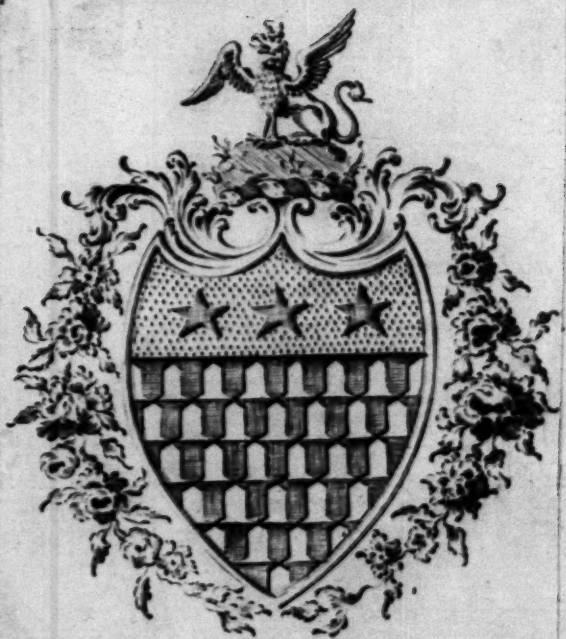
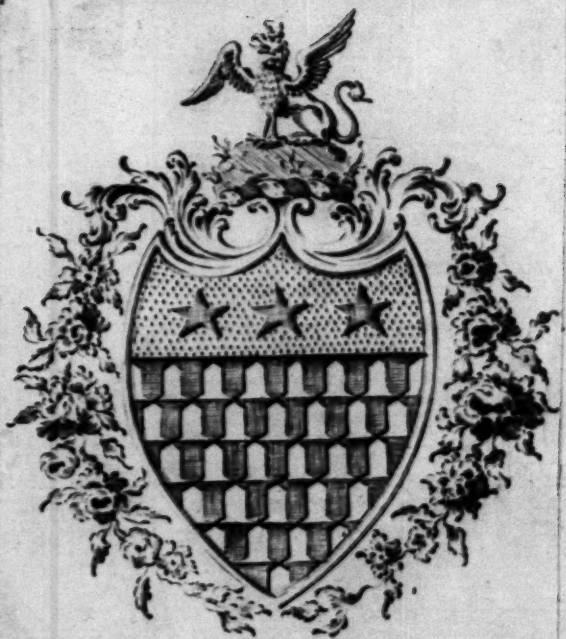




Richard Benyon Esq.
Englefield House,
Reading - Berks.



Richard Benyon Esq.
Englefield House,
Reading - Berks.

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THE
VINDICATION

OF

Mr. *JOHN BRADDYLL*,

—K
AGAINST

Mr. HENRY LOWTHER.

In a LETTER

Humbly address'd to the Honourable
the Court of DIRECTORS for Affairs
of the United Company of Merchants
of *England* trading to the *East-Indies*.

With a proper APPENDIX.

L O N D O N: Printed MDCCLVI.

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HONOURABLE SIRS,

IT being intimated to me, by mere chance, that Mr. *Lowther* was privately handing about a thing by him called an ANSWER to his CHARGE directed to your Honours, in which he had done me, amongst others, the honour of the foulest abuse, for the share I contributed to an Enquiry into his conduct and management of his Chiefship of *Surat*; informed too, that this Gentleman triumphed openly in having fairly vindicated his character, from the imputations it had been exposed to, I could not but be curious to see a performance, which I own I could not conceive that even Mr. *Lowther* (as much as I know of his silly effrontery) could have so much as thought of, unless he imagined he was addressing himself to inhabitants of *Japan*, and not to a body of *English* Gentlemen, who have before them the Registers of his manifest, undeniable guilt; Gentlemen, I say, who represent that Company, whose trust he has wrong'd, whose honour he has so indecently, and so unjustly attack'd, and whose authority, on a most solemn occasion, he first rebelliously trampled upon,

B

with

with the utmost insolence, and then declined by as mean and scandalous an elopement, which I shall plainly demonstrate was owing to the sense of his guilt, and not to those ridiculous fears, which he would palm upon his late Masters, for excuses of his Flight.

I applied then instantly, in the regular way, for a sight of this pretended *Answer*, which not being able to obtain, I at length procured me one of the Copies, thus so clandestinely (not, I presume, without reason) circulated, since it very much imported Mr. *Lowther*, that it should never fall into the hands of any that knew any thing of the matter, or that are capable, or willing to reply to it.

But before I enter on my proposed task of maintaining a *Charge* against him, founded on the result of my Enquiry into his management, I hold it necessary to clear the way to it, by refuting the impudent, foolish malice with which he attacks my character, in order to invalidate the procedure I was commission'd to conduct by YOUR authority.

That I may methodize, then, my defence against the scandal contain'd in his puzzled, perplex'd piece of abuse, (Pages 32, 33.) all that part of it which any ways relates to my conduct in quality of Supravisor, will implicitly be answer'd in the course of an authentic narrative of that Transaction, supported by the clearest, positive, or presumptive proofs, most of them (and this, I hope, he will not rank
amongst

amongst his injuries) taken from his own avowed acts, or attested by his most zealous friends or adherents.

As to the other personal points, especially where he quotes Mr. *Horne* for his Author, I can only say, that Mr. *Horne*, as he well may, stedfastly denies his ever having made use of those false and scandalous expressions attributed to him, relating to my want of veracity, to "my being a dangerous man, and one that no one could safely associate with." — I hope, and believe, Mr. *Horne* was neither weak nor wicked enough to propagate a *character* of me so inconsistent with the important Trust he actually reposed in me; and indeed such abuse carries with it more of the *Lowther*-stamp than that of a very civil Gentleman, with whom I had never any dissention, nor to whom I ever gave the least reason to traduce me in so cruel and unjust a light; neither, admitting that Mr. *Horne* spoke thus injuriously of me, will I allow that my character is to stand or fall by what Mr. *Lowther*, or he either, says of it. That the enemies to the Company, with whom I never would associate, have alone found me dangerous to them, and that the innocent Friends, with whom only I chose to associate, have never experienced any injury from this "well known talent of mine for being romantically historical," or from any part of my private conduct, is a justice, I presume, they will not

refuse me, and for which I fairly appeal to them, and, above all, to matter of Fact.

My regard to Truth (the point in which I am so principally impeach'd) will, I presume, be most substantially proved, by my keeping strictly up to the practice of it in the most essential Duties of Life. For example, I provoke Mr. *Lowther* to produce one single instance in which I have not been *true* to my Employers, *true* to my Creditors, *true* to Justice, *true* to my *Colours*, *true*, in short, to every trust reposed in me; and whilst I have that consciousness, I shall hardly be moved at such idle, ridiculous stories, trump'd up by enemies, and can only be received by characters, with whom abuse and defamation pass for reasons or proofs.

But with what a peculiar grace? with what a staggering weight does this reproach of my disaffection to truth, in my "*well known talent of being romantically historical*," fall on me, in a libel, which will be discover'd by the most manifest proofs, to be one continued tissue, from end to end, of the grossest falsities and prevarications?—But as I do not desire to clear myself, in the *Lowther-style*, by recriminations, I shall only repeat my defiance to him, to *specify and prove*, in my whole life, one single *actual* violation of *truth*, in any one instance where the interests of society were in the least hurt, or concern'd: all other taxation, short of that, (even were it admitted) being rather mere frivolous, insignificant, personal abuse,

buse, than a serious objection to my moral character.

That I was dismissed the Service formerly, for a design to assassinate Governor *Boone*, is such a curious anecdote, as proves the perfect regard Mr. *Lowther* has to that historical truth, which he accuses me of being such an enemy to. For my part, I do not so much as guess how, or where he pick'd it up.

But where he taxes me with being recalled by the Governor and Council of *Bombay*, from the Chiefship of *Tellicherry*, for the disagreement with the rest of my fellow-servants, and pusillanimity, I shall in brief remark, that his celebrated Friend and Patron Mr. *Cowan* had resolved my remove, purely because I was not as ductile and pliant, as fond of being his dupe and money-cully, as this worthy Gentleman. This was the true reason of my recal. For as to my pretended disagreement with my fellow-servants, Mr. *Cowan*, who never scrupled what disorders he occasion'd in the Service, so they promoted his private ends, or satisfy'd his private passions, had underhand stirred up, and encouraged my inferiors in the Factory, to breaches of discipline and subordination, which I never would suffer in any Post committed to my charge; and which they, it seems, depended on being supported in by the Governor, as they accordingly were.

And if my constant maxim, that Peace is more a merchant's business than War, deserves the

the name of pusillanimity, I own I come within that description, for I was ever against proceeding to hazardous extremities with the Country-Governments, if they could by any just and honourable expedient be avoided: I ever declined embarking the interest of my honourable Masters in the doubtful issue of such military operations, as our *Indian Colonies* afford. I do not pique myself on points of Generalship, or on taking up Arms in the desperate, frantic manner Mr. *Lowther* did at *Surat*; but I will assure him of one thing, as pusillanimous as he represents me, I would not have run away in a *French* ship, for any Charge he could have brought against me, especially so armed with all that innocence he pretends to.

Having now said all that I think necessary to premise, before I enter on the maintenance of the CHARGE in question, I proceed to such a thread of facts and arguments, establish'd by the plainest evidence, as at the same time that they support the proof of Mr. *Lowther's* infidelities and mismanagements, aggravated by the rebellious manner in which he treated your authority vested by ample commission in me, rather accuse me of not having used the severity he deserved, than having in the least departed from the rules of justice, candour, or moderation.

Bombay, January the 8th, 1735-6, it appearing to me that Mr. Lowther, already greatly indebted

indebted to the Company, proposed yet getting further in, I thought it my duty to declare at the Council-board, " that having just reasons
 " not to trust him in his private capacity, I could
 " not consent to give him so large a credit on
 " the Company's account, without a proper
 " security, nor indeed did I think that he ought
 " to be entrusted with the management of the
 " Company's affairs."

Governor *Horne*, however, (which I did not oppose) with the rest of the Council, *agreed*, that if Mr. *Lowther* would make it appear to the satisfaction of the Board, that he should be in a capacity of discharging his Debt to the Company at the term himself proposed, either by recovering Debts due to him, or turning a sufficient quantity of Goods into money, they would forbear demanding his debt till next season.

To this receiving a very unsatisfactory answer, Mr. *Horne*, the 6th of *February* following, call'd upon me, to give my reasons in writing, why I held Mr. *Lowther* unworthy of any further Trust in the Service, which I accordingly deliver'd in at the next meeting of Council, the 10th of said Month. No. 2.

These reasons, which turn'd upon evident matters of Fact, corroborated too by the declaration of the Broker *Jaggernaut Lollads*, then at *Bombay*, were by the Governor and Council (Mr. *Draper* only excepted, who is Brother-in-law to Mr. *Lowther*) thought sufficient

ficient to suspend him, till he had cleared up his Conduct, and I was thereupon appointed Supravisor, with proper Powers to make the Enquiry, and to report the result of the same to the Board.

This undesirable Commission, rather than that the Service should suffer, I was prevail'd on not to refuse myself to, by this single, fair and equitable consideration, that I was now the Party to Mr. *Lowther*, and not his Judge, and that as it became an incumbence on me to maintain my declaration, it could no ways hurt or affect Mr. *Lowther*, if innocent, that I was invested with no more than barely a Commission of Enquiry into his Conduct, immediately subordinate to the comptrol of your President and Council of *Bombay*.—On the contrary, the prejudice imputed to me, on account of this declaration of mine, was rather an engagement for me to conduct myself with decency and candour, for fear of giving Mr. *Lowther* just room for complaint; and how much that weigh'd with me, will undeniably appear in the whole course of my conduct on this occasion. But the reason of my nomination will yet appear more *indispensible* to those, who know *the best* the Constitution of our Council at that time. Some of your Honours must have heard of, some known sufficiently Messieurs *Taylor* and *Percival*, to allow of the absurdity of barely proposing to send either of them. Mr. *Draper* was Mr. *Lowther*'s relation and champion in ordinary ;

ordinary; Mr. *Lambton* was even more exceptionable than myself, having received personal injuries from him: so that my going was strictly not matter of choice, but of a necessity evidently superior to the objection.

Having then great reasons to suspect the disaffection of your Servants at *Surat* to your interest, and their being seduced, by Mr. *Lowther*, from their duty, it was but an obvious point of prudence to take up an assistant with me, whom I could confide in, and I accordingly prevail'd with Mr. *Horne* to spare me on this service, that Mr. *John Cleland*, whom your Honours find so ill-used on this account, and in whose vindication I presume I am not expected to rub off so manifest a chimney-sweeper's brush.

for The 11th, then, I sail'd in the *Elizabeth* ~~from~~ *Surat*; and that Mr. *Lowther* may not accuse me of leaving out any thing, either advanced by himself, or friends, on his side of the question, I insert in the Appendix, in their order, his Brother Mr. *Draper's* reasons for dissenting from this Procedure; Governor *Horne's* Remarks on that Gentleman's objections; Mr. *Lambton's* Remarks on the same; Mr. *Draper's* Reply; Farther Observation of Governor *Horne* on the said Reply; Mr. *Lambton's* Reply. To which referring, I pass on to my arrival at *Surat*, with my commission of Supravisor, in the usual form, and my instructions on this occasion. *Vide* Appendix, No. 4.

When I arrived at the Bar, the 18th, on notice that there were disturbances in town, I sent up Mr. *Cleland* with the Governor and Council's Letters to the Factory, to make the necessary dispositions for my reception; who accordingly, together with Mr. *James Hope* and Mr. *John Williamson*, proceeding to obey my orders, Mr. *Cleland* was met upon the stairs by Mr. *Lowther*, who, back'd by Mr. *Robinson*, told him he must not come within the doors, or he would use him ill, and accordingly insolently drove him out of the Factory. Here I stop, Gentlemen, and intreat your attention to this specimen of Mr. *Lowther*'s respect to YOUR authority.

Think, Gentlemen, of one of your servants sent up to YOUR Factory, with orders from his superiors, and proceeding in the execution of his duty, without giving the least provocation, shut out in contempt and defiance of all legal authority, from setting his foot into a Factory, he was order'd jointly with Mr. *Hope* to prepare for the reception of your Commissary, vested with the amplest power that your Governor and Council could confer.

I ask then even the most partial that may be to this *Lowther*, whether, allowing all that he has been pleased to paint me, my Commission did not demand another sort of treatment, and whether Messieurs *Lowther* and *Robinson* did not richly deserve to be made examples of, for such an act of contumacy and rebellion, and
 I whether

whether I should not have been justify'd, in law or equity, for using the proper measures of coercion, to keep such insolence within bounds.

Mr. *Cleland*, thus expell'd with indignity from a Factory, the doors of which are to be open'd to the meanest *British* subject, made his report to me, and though I *felt* all that I ought to *feel* on such an outrageous insult being offer'd to your Commission, I was determined that no frantic folly of a man desperate at approaching conviction should divert me from that calm and moderation, with which I was determined to conduct the *Enquiry*, and which Mr. *Lowther* was never *once* considerable enough with me, to provoke me out of.

In the mean time, Mr. *Lowther*, after the pre-mention'd exclusion of my assistant, packs up, and deserts the Factory, though there might have been very sufficient accommodation for him, if he had not chose under the same roof, at least in the new Factory, instead of which He was now gone from under our Flag, and being implicitly under the *Moorish* protection, was no longer *amenable* to our summons, and how he made use of this refuge to brave your authority with the utmost insolence, will best appear by a *Protest* he sent in to our Factory, Copy of which follows in the Appendix, No. 15.

Instead, then, of needing an Apology for any VIOLENT PROCEEDINGS, such as are not

more falsely than impudently attributed to me, (page 25 of *Lowther's Libel*) I am sensible I owe your Honours one, for not seizing his person, and sending him down under confinement to *Bombay*, there to answer to your representatives his open rebellion against your authority. It was not, however, for want of knowing that nothing could be more warrantable, even in the eye of the Laws of our Country, under whose Protection and Sanction your authority is certainly executable upon refractory and disobedient servants; neither was I at all afraid that a step so visibly provoked, and wrung, *ex officio*, from me, should be imputed to personal pique and resentment,——I felt myself greatly above either such a weakness, or the apprehension of the scandal of it: No, I should have order'd this seizure and confinement with the utmost coolness and unconcern, but that, in truth, I had all the reason to apprehend that he would openly reclaim the *Moorish* Protection, to the great scandal of the *English* Name and Government, or plunge headlong into some dangerous extremities; and, I presume, if your Honours consider his desperate, frantic behaviour at that time, you will not think that I do him the least injury in such a supposition.

You will allow too, that it was neither safe nor decent that this Gentleman should continue, in the face of all *Surat*, braving YOUR authority, and male-treating YOUR servants acting under it; to put a stop to which, I thought
nothing

nothing better than to order him down to *Bombay*; so that if there is any colour of hardship, in his Complaint, "*that seventeen days after my arrival at Surat, I sent him a positive order to leave that Place, and repair to Bombay;*" it was apparently at his own suit, for solely to his own mutinous, refractory behaviour, ought he, in conscience, to impute it. As justly full might the thief complain of the hue and cry raised upon him, as a hardship which his own misdeed was solely the occasion of.

When I arrived at the Factory, my Commission was openly read, before all your Servants, and I am sorry to say, I found most of them so effectually seduced from their duty and fidelity to your Honours, that they acted in all respects more like *Lowther's* Champions, than like your Servants. Notwithstanding Mr. *Lowther's* desertion, and the insult above-mention'd offer'd to your Commission, I gave orders that Mr. *Lowther* should be treated with all the respect due to his station, when Mr. *Robinson* took me up with great pertness, and, being the mouth of his fellow-revolters, said, that *their inclinations render'd that admonition useless, and that, for his part, he should continue to support him, without minding the smiles or frowns of any one.*

Mr. *Robinson* I order'd immediately down to *Bombay*, for indispensable reasons, which will appear more at large in the course of my management, faithfully register'd.

But

But with regard to Messieurs *Ramsden* and *Hamilton*, who suffered indeed for their misplaced attachment to him, I do not think it is possible to push impudence higher than to mention their *case* as any hardship, or specimen of my *violent proceedings*.——If he had not imagined that his libel could only come into the hands of the most ignorant and superficial judges, he would hardly have been idiot enough to think of passing such direct falsities, both in point of fact, and reasoning. But that he may not complain of misrepresentation of this premeditated imposition, I beg leave to quote his own words, as follows.

“ *The said three Gentlemen, viz. Messieurs*
 “ *Robinson, Ramsden and Hamilton, were*
 “ *suspended by him, for only protesting against*
 “ *the unjust method of his proceedings, and for*
 “ *doing what, on all occasions, they were autho-*
 “ *rize, and particularly prescribed by their ho-*
 “ *nourable Masters to do, and for following such*
 “ *orders they lost their employ. It will not, I*
 “ *am satisfy'd, be ungrateful to your Honours,*
 “ *to observe to you the hardships your Servants*
 “ *lie under, in that respect, abroad: others*
 “ *having since, on the like occasion, being dis-*
 “ *miss'd your Service, for not doing the same*
 “ *thing those Gentlemen were turn'd-out for do-*
 “ *ing. It is evident from Governor Horne and*
 “ *his Council's offering to re-instate the above-*
 “ *named Gentlemen, on condition, that they*
 “ *would withdraw their Protests register'd a-*
 “ *gainst*

“ gainst the cruel proceedings of the the Supra-
 “ visor. Nay, even after they went from
 “ Bombay to Madras, they sent and offer’d to
 “ re-instate them on the aforesaid proviso, of
 “ withdrawing their Protest. It does not seem
 “ probable that they would have submitted to
 “ such a condescension, had any other matter of
 “ complaint lain against them, though the Supra-
 “ visor has since plentifully loaded them with
 “ slander and calumny.”

What relates to Mr. Robinson, especially, is absolutely false. He was not suspended for protesting, but for a behaviour he deserved a much severer animadversion for, than barely ordering him down to *Bombay*: neither was there ever any offer made him of re-entering the Service, on retracting his Protest; the Charge against him was of a higher nature.

But as to Messieurs *Ramsden* and *Hamilton*, their Case was different, and a fair representation of it to your Honours, will rather prove the extreme good-nature and lenity with which they were treated.

After I had order’d *Robinson* to *Bombay*, I conven’d a Council the same day, to proceed on the current concerns of the Factory, at which these Gentlemen attending, they declared very cavalierly that they would not take their Seats till (I) the Supravisor should satisfy THEM by what authority I had proceeded against Mr. *Robinson*, without their privity and concurrence: to the which I answer’d, “ that
 “ they

they had heard my Commission openly read, and that my Powers being immediately derived to me from my Superiors at Bombay, I was under no obligation to satisfy them, whose concurrence to this step I was far from requiring." Upon which these Gentlemen resign'd voluntarily their Seats at the Board, and the next day gave in their *Protest*, enter'd in the Appendix, No. 14, preceded by the Remarks of myself and their more faithful fellow-servants, No. 11.

Where, then, in the least, - was this *cruel alternative*, so pathetically lamented by Mr. *Lowther*? Does it, by any construction or intendment, appear that *their* suspension was the fruit of a regular Protest?

That they had no right to protest against a step to which their assent was not so much as ask'd, and taken entirely upon myself, in virtue of the commission I acted by, is, I presume, a little too plain for even Mr. *Lowther* to deny. However, as they were young Gentlemen, otherwise of fair characters, and whom I have since so plentifully loaded with (positively no other) *calumny and slander*, than imputing their seduction from their Duty to Mr. *Lowther's* practices and ascendant over them; I compassionate extremely their misguidance, and would, with great pleasure, have seen them retract a step which clenched their (N. B.) *self-dismission*, or rather *Desertion* of the Service: and the Proposal to them of re-instating them on the very *Proviso* so manifestly misconstrued by

by *Lowther*, was surely not the ridiculous reason he gives of our not caring that this Testimony against my *'violent Proceedings*, should stand upon our Registers, but purely lenity and compassion for two Gentlemen, whom he had so perfectly misled; and whose breaches of duty, and order were reproaches to himself, and undeniable proofs of the *eighteenth* Article charging him with the seduction of his fellow-servants from their fidelity, and subordination.

Your Honours cannot but observe, with indignation, what an use is attempted to be made of our unwillingness to pursue any rigour, or to take advantages of the weakness and precipitancy of those two Gentlemen, and how far I was, in the execution of my Commission, from stretching it to ill-natured extremes; consequently, how little the *proceedings* I was *forced* into, to maintain the order and discipline of the Service, and, above all, for example sake, the respect due to YOUR authority, deserved the name of *violent*.

And here it is much in point to repulse that scandalous, false assertion, contain'd in Mr. *Lowther's* libel, (page 32) to wit, That, "*during my stay at Surat, he had the pleasure to see me despised, and spurn'd at by all mankind, and this from the opinion they had of my principles and practices, which, during these twenty years past, have been held in great contempt.*"

If Mr. *Lowther*, by *all mankind*, means the herd of his dupes, or corrupt dependents, ca-
D joled,

joled, or attach'd to him by airy promises, or association to his guilt. I confess that in me, *Gentlemen*, YOUR Commission was very sufficiently *despised*, and *spurn'd at*; which is worthy Mr. *Lowther* to make a merit of to *yourselves*.

But if by *all mankind* is to be understood the residents, or world in general, at *Surat*, constituted of the government, the principal merchants, and indeed all of any character in that city, I met with nothing from all orders, but the respect, civility and honours due to my station. It belonged only to Mr. *Lowther*, and the servants adhering to him, to labour incessantly to degrade and dishonour YOUR authority, then in trust and commission with me. And must he not have an excellent opinion of your Honour's understandings, to make his court to you by it?

As to my principles and practices, I presume they are best proved by my conduct; and as to what are our different merits to your Honours Service, I shall only say, that I am not so much afraid of the most scrupulous examination into them, as of the affront of the comparison.

That I was not, however, so universally despised at *Surat*, as that Gentleman, of so great *veracity*, asserts, I had the pleasure to give your Honours one *solid* proof, in my negotiating the recovery of a bond of above 70,000 Rupees, on the Siddees account, (given,
very

very injurious to your interest, by Mr. *Lowther*, &c. Council to the Government of *Surat*) by which means, the Siddees desperate debt to your Honours became lessen'd in so much, the money being lodged in your treasury at *Bombay*, and thereon was carry'd to your account; being just so much clearly saved out of the fire.

This is the transaction Mr. *Lowther* takes the merit of to himself, (page 13) though there was in his management of it, foundation enough for an article of charge against him.

Mr. *Lowther*, then, after making a *feint* of taking his passage in the *Cowan* to *Bombay*, in obedience to my order, thought proper to steal away in a *French-ship* to *Pondicherry*: whereon, your Honours will hardly disallow, that it lay upon him to give not only good reasons for so scandalous a step, but to bring proof of at least one hardship that compell'd him to it, if but to obviate the otherwise natural conclusion, that it was a despair of clearing himself, a consciousness of guilt that drove him to fly from his colours to foreign protection.

In his *Rhapsody*, however, which he christens by the name of *Answer* to his *Charge*, he has not so much as insinuated one single *reason* for being afraid of his life, if he went down to *Bombay*, much less a proof of any danger to it. The very account he himself gives of his motives for this flight, in his Letter to your Honours, without any strain, or torture of his meaning, intimates not the least

danger to his life, no not even to his liberty, unless himself indispenfibly provoked it.

I quote his own words *verbatim*, that he may not complain of misrepresentation.

Page 35. — “ I would not be thought, in
 “ pursuing this method I was drove to, after my
 “ suspension, to have been with any, or the least
 “ intention to fly from justice; but common pru-
 “ dence dictates to every man, how necessary it
 “ is to avoid violence and oppression; especially,
 “ when I had reason to think my life in danger,
 “ as Mr. Horne, in council, publicly declared,
 “ that when I came to Bombay, IF I HELD
 “ UP ANY CABALS, as he term'd them, he
 “ would, by his own authority, without the con-
 “ sent of his Council, fling me into the common
 “ goal, and send every one to England that kept
 “ me company. THIS, his Declaration, brought
 “ me into a resolution of not going there, lest it
 “ might have involved many of my friends, and
 “ well-wishers, and occasion'd their ruin.”

Gentlemen, you will please, here, to observe, that Mr. Lowther was suspended on no less a Charge, than *Imbezzlement of your Cash*, previously proved in Council, besides a number of other breaches of trust, and mismanagements: an Enquiry into which, I must take leave to insist, was most fairly and dispassionately conducted, without one single mark of *violence* or *oppression*. On the contrary, every outrage or violence appears undeniably committed by himself, or his partizans. Things thus circum-

stanced, is it not a manifest insult on your Honours, to propose to you such unsupported allegations of a necessity, to make his escape from the *violence* and *oppression* of Gentlemen, who had the honour to act by your authority, and were accountable not only strictly to you, for any injustice in their proceedings, but also to the justice of their country?

This *tremendous, bear-say Declaration*, that he says frighten'd him to the point of deserting his cause, and colours, was even construing it, in the most rigorous sense, no more than conditional. Mr. *Horne*, it seems, threaten'd, that IF he CABALL'D against his government, he would throw him into a common goal, and that without the authority of his Council. I ask here any man of common sense, and common honesty, who knows in the least the natural consequences to a character, from an Escape under the load of such a Charge, whether there appears, by Mr. *Lowther's own* showing, any such urgent motive for deserting his *cause*, and, in fact, pleading *guilty*, by his flight, to the accusations brought against him?

But, though it unquestionably lies on Mr. *Lowther* to produce *affirmative* proofs of that *danger*, which made him recommend his safety to his heels, without which he can hardly expect to have any benefit of this *Plea* of necessity, nor is receivable in any objections to the circumstance of his *Charge* being form'd; but not deliver'd

deliver'd to him ; I will, in honour to that justice, which he traduced and fled from, *prove* to a demonstration the *negative*, as far as a negative is susceptible of proof, and, by this means, deprive his foul and wretched cause of the least shadow of right, or reason for complaint.

First, I shall observe, with regard to the aforesaid Declaration, that the affected terrors of it will vanish away, before the just explanation of its meaning. On a supposition, that Mr. *Horne* used those terms, Mr. *Horne* could only mean, that he would molest Mr. *Lowther* for his private debt to him, in the open common course of Law, and *that* only in case of his holding any factious cabals against his government : and this is all that Mr. *Horne* could, or durst do without the concurrence of his Council, as all other methods of proceeding against Mr. *Lowther* would have been, at his highest peril, illegal, unwarranted by YOUR authority, and have, consequently, subjected Mr. *Horne* to a just after-reckoning. This fear of being distress'd for a debt, by legal process, might be, indeed, a reason for his keeping out of the way of an arrest ; but it is infamous to pretend fear of violence, or oppression, without the least grounds, or appearance of any, in respect to a criminal charge, which his guilt alone must therefore have been his sole motive of declining to face, and to take to an ignominious flight. — This is the identical Gentleman, who taxes me with being *pusillanimous* !

How

How far Mr. *Horne* was ever from violent or oppressive measures, how distant from his character, is too plain, from his never having employ'd severity, even where the greatest was no more than necessary. His enemies have often openly triumph'd over his easiness, and good-nature, whilst his friends, who *felt* the ill consequences of this enervity of government, zealously lamented it. If he was a tyrant, as Mr. *Lowther* pretends, no tyrant in tapestry, not painted thunder, could be more harmless, or more safely play'd with.

To support what I have here, in pure justice to Mr. *Horne*, testify'd of his gentle, passive disposition, I shall here insert two paragraphs of his Letter to me, (dated *February 29th, 1735-6*) after I had advis'd him of the flagrant insult offer'd *his* commission, in the treatment Messieurs *Cleland* and *Williamson* met with, as above related, and of the general disaffection of the Factory to your Honours Service.

“ I am really ashamed of the reception Messieurs *Cleland* and *Williamson* met at the Factory, as well as the disrespect that was paid to you, wherein they could not be ignorant, but they did, at the same time, offer an insult to my Commission, and the Company's authority, of which I have taken notice, in our general Letter, though not in so severe terms as their ILL-MANNERS deserve: but whatever those Gentlemen may think, such mean artifices will only retort ridicule and shame on the authors. “ I

“ I am sorry to observe, there is so great a
 “ disaffection amongst the Gentlemen at Surat,
 “ but, I hope, the steps you have taken will put
 “ an effectual stop to it; and though I am na-
 “ turally averse to harsh measures, yet, if they
 “ will, by their opposition, force me to use them,
 “ they can blame themselves only for the conse-
 “ quences.”

Such, Gentlemen, was the spirit of Governor *Horne's* Letters, such the uniform spirit of his conduct. Whilst I was put to the breach at *Surat*, Mr. *LOWTHER's* known intimate friends, adherents and relations at *Bombay*, instead of undergoing any hardships there, signalized their zeal for him, with the utmost rather licentiousness than liberty, but with the utmost impunity too. Mr. *Draper*, in whom it was nothing more than decent and natural to espouse his relation's cause, independent of any private interest in it, enter'd his *Dissent* against the proceedings of the Governor and Council, in which he perfectly nosed Mr. *Horne*, who resented it no farther, than by answering him fairly on a level; he reply'd, was rejoin'd to: in short, there was a formal paper-war on the occasion; when, if Governor *Horne* had been the tyrant Mr. *Lowther* affected to dread so much, Mr. *Draper* gave him the fairest opening to dismiss him the Service, not only for his indecencies, virulence and abuse, not to say worse, of private conversation, in the course of the controversy, but for averring and maintaining the
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extraordinary proposition, (see his Letter to the Secretary, Appendix, No. 3.) “ *that Mr. Lowther would be able to give very GOOD REASONS for having apply’d any of the COMPANY’S money to HIS OWN USE.*” This, I assure Mr. *Draper* by the by, that had I had the direction, he should have formally retracted this notable tenet, or have quitted instantly the Service ; so much a greater tyrant would I have been than Mr. *Horne*.

At this very season too, *Dudley*, and the rest of the most declared open agents for that party, were treated by the Governor with no sort of distinction from the rest of the faithful, or impartial servants : they were, at least, as much promoted, invited, caress’d, still on that fatal plan of lenity and toleration, which it was so inconsistent with Mr. *Horne*’s temper to depart from.

In short, the infection was so general, Mr. *Horne* was so little likely to be supported in acts of *violence* and *oppression*, (his government was so enervate) that he had hardly weight or authority enough in the Council, to carry points of the most evident justice and importance to *your* interest, whenever that of Mr. *Lowther*’s, or his party’s interfer’d with it. This I do not desire should be admitted, but on uncontestable proof, which I now proceed to furnish.

Mr. *Robinson*, whom I have before-mention’d, came down to *Bombay*, as he was order’d, without any of those fears, or bloody

apprehensions, which induced his *Chief* to make his escape from his flag : and we shall now see what *violence* and *oppression* he met with.

In the first place, there was not the least restraint, or confinement laid upon his person, or conversation.

His Charge was regularly exhibited, and deliver'd him to answer, in any reasonable term.

He gave in his Answer, in which nothing can be plainer than the imbezzlement of the Cash, even from his own account of that transaction : this answer too was so full of invectives, and an open contumacious arraignment of the authority by which we acted, as would have, alone, justify'd his suspension, till *your* pleasure was known.

Mr. *Horne* remark'd upon it with that moderation, and tenderness, which are natural to him. And, upon the whole, the Question being put, (in Council, the 24th *April*, 1736) whether Mr. *Robinson* had ACQUITTED himself of the Facts laid to his charge ; when the Members gave their Opinions, *seriatim*, as follows.

Mr. *Lambton*. No.

Mr. *Draper*. Yes.

Mr. *Percival*. Not entirely.

Mr. *Braddyll*. I am so far from thinking Mr. *Robinson* has clear'd himself of the Facts he is charged with, that in his
 I Answer,

Answer, and Letter accompanying it, he has added several others to them, which, of themselves, deserve a very severe censure.

Mr. Taylor. Yes.

The President, (Mr. Horne.) No; as set forth in my Remarks on Mr. Robinson's Answer.

Extract of the Consultations, April 24th, 1736.

“ And according to our honourable Masters
“ standing orders, for punishing breaches of
“ trust, and acts of infidelity, committed by their
“ servants, IT IS AGREED, by the several
“ Members, who think him guilty of the Facts
“ laid to his charge, that he be suspended from
“ acting in the honourable Company's Service,
“ till their further pleasure concerning him is
“ known.

“ Mr. John Robinson being call'd in, and
“ acquainted with our Resolution, he requests
“ permission to go to Madras, in order to take
“ his passage home to England; when the Pre-
“ sident asking him if he had any depending ac-
“ counts, or was indebted to any one on this side
“ India, he assures us, that no one has any de-
“ mands on him, (N. B. this was false.) And
“ this his request is agreed to.”

Accordingly Mr. Robinson went and rejoin'd his fugitive chief, and, I think, proceeded to

France together; modeſter, however, in one point, ſince I never heard that he complain'd of any *violence* or *oppreſſion*, though he had threaten'd us ſufficiently in *India*. But, to obviate any doubt about this representation, I have inſerted the whole Proceedings in the Appendix.

Your Honours will pleaſe to obſerve, that this act of ſuſpenſion operated barely by Mr. *Horne's* caſting-vote, ſo little weight or favour in the Council, had the juſtice due to your Honours upon an unfaithful ſervant. Even Mr. *Horne's* own family was not exempt from this contagious partiality to *Lowther*, who had eſtabliſh'd this influence, or popularity, by all the promiſes and arts fit to cajole, ſeduce and unite the ſuperficial, the weak, and the worthleſs, under his ſtandard, not without a lavish profuſion, of which his creditors will hardly very ſoon ceaſe to *feel* the effects.

I preſume, Gentlemen, I have already plainly proved the *negative* I undertook, that Mr. *Lowther* had not the leaſt reaſon to fear for his precious life, or perſon, or any ſort of *violence* or *oppreſſion*, had he obey'd his order, and repair'd to your Settlement, where he was manifeſtly more Lord paramount than the Governor himſelf. But, I believe, your Honours will hardly find a name for this monſtrous impoſition with which he would attempt to ſcreen the ſhame of his flight, when you ſhall be rather reminded than freſh inform'd, that this
very

very Gentleman, but a little time before his suspension, had, on that very Island in which he was now so diffident of, preserving himself from *violence* and *oppression*, actually, by dint of power, interest, and the numbers of his partizans, triumph'd over the Law and Justice of his country, in his famous *Plea*, against his own *Hand* and *Seal*, to a note for about 5000 *l.* which, when sued out against him, he could oppose nothing better to it, than that the creditor was an *alien*, or *stranger*, and, of course, could not sue in our Courts of Justice. Now, unfortunately for Mr. *Lowther*, it happens, that in the eye of God, and man, the cause of the *widow*, or *orphan*, is hardly more favourable than that of the *stranger*. Yet Mr. *Lowther* braved out the poor man with this *Plea*, which, *tell it not in Gath, publish it not in Ascalon*, had the sanction, by a great majority, in both courts, the Mayor's, and the Council! under this dread tirant Mr. *Horne*, who favour'd the plaintiff too: and yet kept such measures with *Lowther*, that he did not so much as give his vote one way or the other, though he presided as Judge.

This Gentleman, however, was not yet satisfied with having, in this infamous manner, forced the Laws of his country into his service, and perverted our national justice, to screen him from his innocent creditor, but he must sacrifice to his resentment one of its ministers, who, by virtue of his office, - had put the *Note*
in

in suit against him, and accordingly lodges a complaint against Mr. *Cleland*, his creditor's attorney, in Council, which his Patron Mr. *Cowan* seconded by another letter. — Both these were read in Council; Mr. *Cleland* was summon'd before us; and there, when he ask'd for a copy of his Charge, Mr. *Lowther* and others were for positively refusing it him; and there was actually a MAJORITY for banishing him off the Island UNHEARD! This was a little too flagrant, even for Mr. *Horne* to bear; and accordingly he put on so much masculine vigour, as to order Mr. *Cleland* a copy of his Charge, and he answer'd it next council-day; how effectually, as I have neither favour or partiality towards him, more than is consistent with strict justice, I need not here declare, since it satisfy'd Mr. *Lowther* so thoroughly, that as soon as it was read, he would have gladly compounded to have the whole procedure smother'd, if Mr. *Cleland* would retract his Answer: but this was what I would not suffer, even if both Parties had agreed to it. I thought it for your interest, that there should remain on the Registers the testimony of that spirit of *violence* and *oppression*, which is so falsely attributed to me, and was ever their own character. And accordingly the whole Proceedings, with my *Protest* against their being stifled, stand on our Consultations for the year 1735.

I ought not, here, to suppress what Mr. *Cleland* openly declared, that he would have sent the

the PLEA home to be printed, and hung up, in a black frame, on one of the pillars of the *Royal-Exchange*, but for his regard to the honour of *your* Service, which could not but suffer, in the public opinion, for there being employ'd in it judgments so bad, or so corrupt. And, indeed, the persecution he suffer'd on that occasion, for barely not refusing himself to his duty, might well excuse the horror and detestation with which he treated; and it is but honest to treat so iniquitous a procedure.

His poor client, however, thus baulk'd of his remedy, had no other left, than to return to *Surat*, where, by clamouring against this flagrant denial, and perversion of the *English* justice, he obtain'd from the *Moorish* one, an *Hushbut-bookum*, or warrant to seize Mr. *Lowther's* person, (an attested copy of which, taken from their Registers, I brought down to *Bombay* with me) whereby your Honours were exposed to the alternative of having your Chief ignominiously dragg'd to a *Moorish* goal, or your Factory and affairs embroiled in defending him, in a cause of such crying, detestable injustice. Mr. *Lowther*, however, prevented those extremities, by making up this demand, partly at *your* expence, as meanly too as he had stood in defiance of it.

That the black affair of this PLEA is exactly as I have stated it, all your Registers will but too deplorably prove. I need add no comments on the nature of it: but, I hope,
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he will not, after this, pretend that he was afraid of coming to a place, where he had such numbers so scandalously at his devotion; and that, particularly, he will be so candid as to read this part of my Reply to him, (see page 37, of his Libel) “ *to those friends of his, who want neither the power nor inclination, (to influence your Honours in his favour) and always were, and still are ready, if it was necessary, to appear with some of the greatest persons in the kingdom in his behalf, being fully satisfy’d of his integrity, and of the injustice that has been done him.*” — Good God! who does this man suppose he is writing to, when he profanes thus the name of integrity, and talks of injustice done to him? I know Mr. *Lowther* is very well related; but I know too, that his relations are characters above the suspicion of giving their countenance, or support, to such a blasted one as I have, not asserted, but *proved* his to be.

I presume, Gentlemen, you are, by this time, fully satisfy’d, that Mr. *Lowther* could have no just reason to distrust the safety of his life, or person, if he had submitted to your authority, according to the tenour of his covenants, and repair’d to *Bombay*, whither he was lawfully order’d: and till he produces one, he cannot have the least right to complain, or except to his *Charge* being admitted, and establish’d against him, on the proofs, and testimonies, with which every article is supported, and which

which I now print, in maintenance thereof, requesting your Honours to remark, that most of them were taken from persons more likely to favour, than sur-charge him, or from authentic books and records, kept under his own direction.

It would be superfluous, as it would be endless, to trace Mr. *Lowther* through all the perplex'd, loose, irregular mazes of this *Answer* of his to a *Charge*, at this distance too, of time, and place, and to unravel all the prevarications, falsities, or matters entirely foreign to the point, which breed an obscurity, and confusion, he would impose on your Honours, for clear, explicit truths; but there is so palpable, so gross an evasion attempted, in respect to his Charge of having IMBEZZLED your Cash, that I cannot help pointing out to your Honours two small mistakes, that double-rivet it upon him, beyond further dispute or question.

MISTAKE the first. He pretends*, that the money was, during a time of trouble and confusion, paid in, BY MISTAKE, to his Cash. *The pleasant mistake!*

Now, unluckily, neither *Jaggernaut*, Mr. *Robinson*, nor Mr. *Ramsden*, have said one word of this being a *mistake*, occasion'd by the hurry of the times: on the contrary, both Messieurs *Robinson* and *Ramsden* declared *upon oath*, that it was expressly by Mr. *Lowther's* own or-

* See his Answer to the second and third Articles, page 12.

der, that the money was paid to his own private use. I want to know how he will get off of this clenching proof, for *really* so it appears in the Consultations of the 15th *March*, 1735-6, No. 21.

MISTAKE the second, lies in his pretended justification *, by a private *post-facto* order of Governor *Horne's*.

Here Mr. *Lowther* has, unfortunately for his irreconcilable enemies, those stubborn things call'd *Facts* and *Dates*. In the first place, according to the constitution of your Service, this private letter was no authority at all, it only proves that Mr. *Horne* was privy and consenting to a very great irregularity; in the second place, admitting it, for argument sake, to be a sufficient sanction, it could not operate retro-actively. This was a piece of plaister-work worse, if possible, than the fact itself; for the money was actually misappropriated in *March*, and not till the *August* following did Mr. *Lowther*, by a poor surprize, *escroc* this private letter, and *no-warrant* from Governor *Horne*, who makes it out extremely plain, that Mr. *Lowther* endeavour'd to cover a breach of trust already incurr'd, by perfidiously abusing his too great facility in admitting a private Account imposed upon him by Mr. *Lowther*, which he afterwards clearly discover'd the illusion, and dishonest design of.

* See Mr. *Lowther's* Appendix, Page 48.

Possibly Mr. *Lowther* is not yet struck dumb with these unquestionable testimonies upon oath, of his having *wilfully* and *knowingly* received into his own cash this amount of the raw Silk. But will he yet say one word, will he find another hook to hang an excuse on? when I convict him, by his *own* vouchers, of the actual payments of this money, whilst Mr. *Lowther* was upon the place, between the 6th and 11th of *March*, not as Mr. *Lowther* would falsely pretend, after the 13th, in his absence, and in the hurry of the Ships being carry'd away from the Bar, (See his Answer, page 12) which did not happen till after the misapplication was made: so inveterate a spite have *Facts* and *Dates* to so much innocence! The proof I appeal to, will appear in *my* Appendix, No. 43.

Such, Gentlemen, are Mr. *Lowther's* justifications of his innocence; and if his dimission was, singly, to rest on this article of his Charge for the above manifest IMBEZZLEMENT of a sum of near 6000 *l.* of your cash, without going any farther, where is the hardship done him? Is there a *Merchant* in *London* that would not think he had but his deserts, if expell'd your Service for no other reason? But the truth is, the other parts of his Charge will appear very sufficiently proved, and supported, even without taking the advantages of an *Escape*, that, till he shews (which he has not yet done) the necessity of, must forever, in all equity and

justice, bar him any right to contest it: though still I defy the most rigorous examination of my regard to candour and truth throughout the whole, in which I am well assured, my character will find its account, more than his mock-innocence.

But, if your Honours will only please to consider even this *Answer* of his, you will find by it, that your affairs, your cash, your investment, your accounts, were all transacted in the most disorderly, and confused manner, blended and mix'd with Mr. *Lowther's* private concerns, against the known tenour of your standing rules, and orders; else to what purpose do *your* accounts stand in need of any illustrations from Mr. *Lowther's* private accounts, if they had been kept separate, as they ought to have been? What have you to do with extracts * out of his private books, letters F or G? or how are you to be enlighten'd by † the curious account of HIS Cash, debtor to Cash? (a sort of *Item* I never saw in my life before, and means, I presume, *his* Cash, debtor to *your* Cash.) Of this I am sure, if his entries in his own books were as imaginary and fictitious, as some have been *proved* to be on *yours*, very little respect, or credit, is due to them. Neither will I admit that *Jaggernaut* owes him, in reality, the balance he pretends, even if I saw *Jaggernaut's* bond for it; such strong instances of collusion

* Mr. *Lowther's* Appendix, page 46.

† Page 44.
between

between them did I see, and note, in the course of my Enquiry at *Surat*.

If Mr. *Lowther* complains of this distrust, I will readily make him reparation, whenever I see the Account fairly stated between him and *Jaggernaut*, who stiffly denied to produce it to me, whilst Supravisor, at *Surat*, though I demanded it in behalf of your Honours, as I then believed, and still believe, that, admitting this overgrown debt of the Broker's to Mr. *Lowther*, an exact scrutiny into the several articles of it, would throw a very curious, and instructive light on the question of the ruin of this family.

Mr. *Lowther*, indeed, charges it, with great assurance, and very falsely, on the Company; and, for my part, I presume, with much more probability, to charge it on Mr. *Lowther* himself, even admitting Mr. *Lowther* to be the greatest sufferer by it. This will appear no *inconsistency* to those who *know* that his head has nothing to reproach to his heart.

Mr. *Lowther* himself shall prove the negative in favour of the Company, where he undertakes to saddle it with an affirmative, to its prejudice.

After arraigning the Company's justice, for the demand in behalf of Sir *Cæsar Child*'s heirs, he asserts, and, what is rare, *truly* asserts, (page 9) that the amount thereof, carry'd to the Broker's account, with the accumulated interest thereon, "*is the foundation, and more*
"*than the sum total of what is call'd his Debt*

“ *to the Company.*” By which it is as plain as words can express it, that no part of it, principal or interest, (thanks to Mr. *Lowther*’s great care and trust-worthiness) being paid to the time of *Lolldas*’s death, nor, indeed, to the time his sons became bankrupt, irrespectively to this debt to the Company, the ruin of that family must be imputed to other causes. It must be sought elsewhere, than in a debt never sued out, or in any execution, till after the open bankruptcy of that family.

It is well known that *Lolldas* was in good circumstances, when he was appointed the Company’s Broker, by Mr. *Phipps*, from that time, during the Chiefships of Messieurs *Hope* and *Courtney*, till this last Gentleman was superseded by Mr. *Lowther*, he carry’d on an advantageous trade, with great caution, skill, and success; the Company’s investments were, generally, large, and his other commissions considerable. It behoves Mr. *Lowther*, then, to explain, who drove him into such destructive schemes, and headlong measures, and whose folly was contagious to him; for folly in power is catching, like the plague. Some curious articles have disclosed themselves already, in a late dispute; others were greatly complain’d of; some too specify’d, both by *Lolldas* and *Jaggernaut*. *Lolldas*, ’tis confess’d, if he did not put a violent end to his life, died of a broken heart, or, as Mr. *Lowther* himself expressed it, “ *was frighten’d to death,*” on being involved
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in the most frantic, wild scheme of action, that ever enter'd into the head of man ; I mean the *making a new*, and a *worse* Governor of *Surat* ; as may be more explicitly seen in my Report * : an exploit Mr. *Lowther* is extremely welcome to the trophies he makes of it, as well as to all the credit it can possibly do him with judges, sober, and in their senses.

As to the great marks of honour, which he wedges in, so much to the purpose, and prefaces †, that “ *it would be a satisfaction to you, to bear the behaviour of you servants abroad, had gain'd them the ESTEEM of other European nations.*” I shall only say I envy him no esteem gain'd him by such a behaviour, as I have given some delicate specimens of ; nor do I wonder at his receiving superficial civilities from strangers ; they are things of course, and your Chief at *Surat* is too good a *travelling name* to bespeak any other : but as to having any great employs offer'd him, he must excuse me, if I do not take his word on that head ; at least a servant notoriously flying from an Enquiry into his mismanagement, does not seem a very proper object of trust, or reliance ; especially too, in a nation that wants no instructions, or guides, in any branch of trade. For my part, I wish all the Company's competitors no better than a *Lowther* at the head of every settlement they have.

* Compare his Answer, page 25, & seq.

† Page 35 and 36.

This parade is, however, only ridiculous; but it is with far other sentiments, I view him threatening your Honours with old exploded demands of the *Parrack* family, and of taking *Jaggernaut* by the hand, and bringing him home to prosecute his remedy here. I think too respectfully of your Honours, to believe this bug-bear can intimidate you, or that you are concern'd to defend any injustice; no, let him once more resort to a *French* ship, and lead *Jaggernaut* in triumph to *England*.—I will answer for it, your Honours will hardly avail yourselves of Mr. *Lowther's* own *Plea*, that because he is a stranger, he is not entitled to the justice of this country. But I own it would be pleasant enough, on such an occasion, to see Mr. *Lowther* gagg'd and choak'd with his own *Demurrer*, in the face of a court of justice, whilst in his *new* character of a Redresser of wrongs, and an advocate for a poor injured alien.

As to that monstrous, absurd story *, that “ *Lolldafs was sent for on board the Morris,* “ *and there, with menaces, and by violence, (viz.)* “ *having a pistol presented to his breast, com-* “ *pell'd to sign an account with them, to the* “ *loss of 150,000 l. sterling.*” I will not so much as insist on the improbability of Governor *Boone's* acting, on this occasion, infinitely worse than a highwayman: but, *cui bono?*

* See Page 9.

Would a signature under such an atrocious violence, have signify'd one pinch of snuff? Was it not, *ipso facto*, void and null, to all intents and purposes? or is it likely, that one of the greatest Merchants of *Surat* would endure such an oppression, without *protesting* against it, when he got safe ashore again? If this heinous transaction has any foundation in truth, could it possibly lie dormant these eight and twenty years? and, if a fiction, as it most certainly is, how treacherous and profligate is it in Mr. *Lowther* to trump it up, in the silly hopes of terrifying your Honours with the scandal of it, to your credit at home, into bribing his silence, or giving him a *bush-employ*.

That this demand of *Lolldas* has been long treasured up by Mr. *Lowther*, as his last resource, will plainly appear, from Mr. *Draper's* conversation with *Bomanjee Rustumjee*, register'd in two consultations of the 7th and 21st of May, 1735*, the last sign'd by himself; both, however, agreeing in the main point; *to wit*, a form'd premeditated scheme to recover from your Honours, that wild, imaginary demand of the *Parrack* family, which he gives you such broad hints of being still capable to lay before his Majesty, or the Parliament, unless you come to terms with him.

Here, Gentlemen, you have an unquestionable proof of Mr. *Lowther's* principles, and

* Enter'd in the Appendix, No. 36, 37, 38.

fidelity furnish'd by *himself*. You cannot, if you would, escape observing, that your sworn covenanted servants have, in place of promoting your interest, avowedly counter-acted it, by comforting, cherishing, and abetting a deep debtor to you, in an expedient of clearing his debt, and even greatly turning the balance on your Honours, by re-opening an old account, fairly compounded, and made up, between the Company and a private Merchant, by the ministry, and intervention of your Governor, with proper Council, whose honour, and justice, are so infamously traduced to make way for the revival of these extraordinary demands. If this is not a direct infidelity to one's employers, I am at a loss for a term to define such a procedure in servants, and servants then actually in considerable employs in the Service.

No wonder that *Jaggernaut* made so little scruple of being charged with a load of debt to your Honours, and shew'd such fullness, and negligence to get out of it, when he was so apparently flatter'd in the possibility of making good a demand, however formally invalidated by a composition, a composition fair in itself, since executed with the voluntary consent of both parties, and ratify'd by subsequent fresh accounts, exclusive of any articles of the old ones: yes, flatter'd in this pretence for insolvency to your Honours, by your own Chief, who was surely, by the nature of his trust, engaged, at least, not to favour chimeras so destructive

structive to your interest, much less not to patronize, or actively promote them.

But, however just the cause may be of Mr. *Lowther's* new *Employer*, can any thing be plainer, than that he means no more by threatening your Honours with this demand, than to bring you to a composition with himself, and to strike up a separate peace? in which case, he will coolly leave *Jaggernaut*, and his cause, upon the road, or keep them still in reserve against the Company, for an occasional rod, to be held up, whenever you disoblige him, or his friends.

If this is to be the condition of a great Company, I have so long had the honour to serve; if it is exposed to be thus manifestly threaten'd, braved, and held in check, by an unfaithful servant, who broke out of their service, by a scandalous escape, under a charge he opposed no other defence to, except personal abuse, the articles of which too have been fairly proved upon him; all I shall say is, that I should be extremely sorry for so disgraceful, and so groundless a condescension, as that of compounding with a man under such circumstances; but I have too respectful an opinion of your Honours, to suppose, that the Company, under your administration, will be reduced to so low, and discreditable a pass.

Whenever he comes to lay his Case before his Majesty, or the Parliament, I presume your Honours will be entitled, at least, to a hearing,

when, on a fair examination of the merits of Mr. *Lowther's* cause, I will answer for it, that nothing will be clearer proved, than that JUSTICE has NOT been done him.

For the rest, your Honours will do *me* the justice to observe, that this vindication of my conduct, with respect to Mr. *Lowther*, is, in no sort, connected with any party. I am neither piqued, nor prejudiced against Mr. *Lowther*, nor any ways attach'd to, or, in a common cause, with Mr. *Horne*, or any one, except in the *one* point of your Service. All I aim at in the foregoing is, to approve myself a just and faithful servant to the honourable Company, and, especially, to maintain and vindicate your lawful authority over all your servants, than which, there can be no circumstance of its exertion, so solemn, and respectable as that of a Supravisor, in which quality, if I have even ignorantly (willingly, I am sure, I did not) abused or stretch'd your Commission to unwarrantable lengths, or mix'd my private resentment with your interest and affairs, I deprecate not the severest censure, you can pass upon me; but if it plainly appears that I have, with all the coolness, and candour imaginable, conducted the Enquiry committed to me, and stood in the gap, when numbers of your unfaithful servants were manifestly fallen off from their duty, and threaten'd the worst of consequences to your affairs, may I not, with more propriety than Mr. *Lowther*, make use of that
tender

tender apostrophe *, "*For this CAUSE am I to be abandon'd by your Honours?*" or will you not, for your own sakes, support and maintain your own authority, when there is not the least shadow of a proof of any abuse in the exercise of it?

As to that indecent, injurious attac on Mr. *John Hope*, for no other reason, at least that discovers itself in his Libel, than objecting this CHARGE to Mr. *Lowther*, I am not to learn, or admonish your Honours, what to think, or how to accept, and treat an insult so flagrant on one of your own members: but if a Director of the *East India* Company is to be personally singled out, hunted, and abused, for his giving his opinion, in order, in his place, and by virtue of the great trust reposed in him, on a servant, or, indeed, on any matter relating to the Service, I should not wonder to see Gentlemen of worth and reputation decline an employ that would thus expose their names and characters, to such licentious, scandalous freedoms.

But, Gentlemen, independent of the insult thus offer'd you, in one of your members, the affront visibly done to your own justice, and understandings, in this complaint of a *Motion* made by one of them, would yet more loudly demand your resentment, if Mr. *Lowther* was worth it; for, in short, the case is apparently as follows, in which I do not desire that one

* Page 37.

assertion,

assertion, or conclusion should be pass'd me, that is not self-evident.

Mr. *Lowther* complains, that the Company should surprize him with a Charge to answer, so many years after the Facts the Charge is founded upon.

Now, it is certain, that the Company, then, had a right to prosecute him on this Charge, and to have compell'd satisfaction for the damages brought upon them by direct palpable breaches of trust, exclusive of his debt to them, from him, or his security, or, at least, as far as that security went. But it seems out of extreme tenderness, (which Mr. *Lowther* does not blush to avail himself of, as a proof *, "*that you had not the least room to suspect his integrity in your Service!*") your Honours were pleased to discharge all demands the Company had upon him.

I enter not into the reasons for this so generous treatment of him : I dutifully assure myself, they were just ones ; but the reproachful use Mr. *Lowther* makes of it, proves how little he was capable of deserving it.

However, when he had the front to present himself as a Solicitor for a place of trust in your Service, on the strength of this clearance, as an act of oblivion, I beg to know, if it was not consistent with your honour, your duty to

* Page 2.

the Proprietors, your Oath, your regard, in fine, to common justice, and common decency, to admit the *Motion* made by one of your board, in bar to this claim, whilst so weighty a charge from which he had *fled*, big with proofs, stood on your Registers UNANSWER'D.

Could any but one intimately convicted of his own guilt, or a manifest driveller, complain of a *Motion* made to give him an opportunity of purging himself, as of a *HARDSHIP*, or *INJURY*! Was he so much as receivable to make any answer at all, after his flight? Was he not but too well used, in that your Honours would not think him worth farther notice?

Is there, then, on earth, a reason to be assign'd, why this *Motion* was an *ill-office* done, or design'd him, unless *unanswerable* accusations made it such?

And is it for a *Motion* of such crying indispensable necessity, that a member of your honourable board, in the course of his office, and duty, is to be exposed to be thus insulted with the utmost petulance and indecency? And this, *Gentlemen*, in a letter to yourselves, who *KNOW* the truth of all this, and who, I repeat it, are the best judges, how much your own honour, and the dignity of your office, are concern'd in the vindication and support of a colleague so cruelly outraged.

But for the *muck* he runs at the rest, such as Mr. *James Hope*, Mr. *Lambton*, &c. as I set
out

out with a resolution to confine myself to my own defence, I shall not officiously undertake their vindication. They will, they ought to expect your protection only, on the foot of personal merit, or innocence in the points they may be accused of. In the mean time, it is but fair to admit, and thus much I will venture to urge in their favour, that Mr. *Lowther's* abusive invectives ought, at least, to be no *prejudice* against them.

And here I beg leave to observe, that Mr. *Lowther*, with great injustice, complains *, that "*his adversaries designs were to make every thing long, tedious and abstruse, to tire every body's patience, and that there would have been no occasion for such a volume, to put truth into plain English.*" Your Honours will easily remark, in your Consultations, that all that heap of tedious and abstruse argumentation, was entirely urged on his side, by his partizans, especially the verbose, infinite dissents of Mr. *Draper*; and I appeal to your candour, Gentlemen, if they had not been reply'd to, on the spot, whether it is not most probable that they would have avail'd themselves of our silence, and drawn all the conclusions from it in their own favour. To complain, then, of the *volume* they themselves were the *authors* of, and, for the greatest part, furnish the Text, and bespeak the

* Page 32 of Mr. *Lowther's* Libel.

Comment, is strictly the absurdity of the corpulent man, who complain'd of that croud, of which his own bodily mass was all the time so glaring a part.

For the rest, I shall not presume to point out to your Honours, the means, and measure of justice you owe yourselves on this occasion, yet less the notice your Honours cannot but think due to me, for my being thus outrageously insulted and abused, merely for having faithfully discharged my duty to your Honours, and purely for the Service-sake alone, without the least taint of private passion, or private interest, stood the brunt of all the calumny, and invectives, which it is much the character of all desperate convicts, to vent their rage in, at their detectors, and pursuers; nor will your Honours, I humbly hope, suffer me to remain a monument of your slight, indifference, or cold protection of a Servant, who, to the utmost of his abilities, has constantly and firmly maintain'd the honour of your Service, your Authority, and your Interests; or let it be said, that the unfaithful servants may, with greater impunity, invade, than the faithful, support and defend them.

I have thought fit to annex certain supplemental Remarks, as they occur'd to me, (No. 43.) in the Appendix, which, as immediately relating to the POINT now before
H your

your Honours, I humbly beg may be turn'd to ;
and with very sincere and dutiful wishes for the
honour, and success of all affairs under your
administration, I am,

HONOURABLE SIRs,

Most respectfully,

Your Honours,

most obedient, and most

faithful, humble Servant,

JOHN BRADDYLL.

APPENDIX.

N^o I.

EXTRACT of the BOMBAY
CONSULTATIONS, of the 10th of
February, 1735-6.

MR. *Braddyll* now lays before the Board his reasons for declaring Mr. *Lowther* (in his opinion) unworthy of any trust in the Company's service, as entered hereafter ; and as he therein charges Mr. *Lowther* with three facts, which the broker can give some light into, he is called in, and interrogated concerning them ; and,

First, as to the lead sold *Vandravan Loljee*, he says, that the said lead was lodged in the factory, and never delivered to *Vandravan* ; that he, the broker, about seven or eight days before he came down, took that very lead, and some other belonging to Mr. *Lowther*, in part of the fifty thousand *Rupees* said to be advanced him under the 29th of *November*, which lead was sent to *Brodera*, to raise ready money to carry on the investment.

Secondly, As to the raw silk ; the broker declares, that the silk was sold at public out-cry in the factory, to one *Haccoo Matra Rajeram* ; that he himself received the money for it, and paid it to Mr. *Lowther* : The president asking him how he came to be debted upon the *Surat* books for the raw silk, when Mr. *Lowther* had received the money ? He
a says,

says, Mr. *Robinson* told him he had orders for so doing.

Thirdly, As to the bills given on the *Dilly Vakeel*, he says, his brothers have given bills to the amount of *Rupees* twenty-five thousand on their correspondent at *Dilly*, to be paid out of the amount of their effects lying there.

Hereupon the president observes, that he thinks, these articles being thus proved against Mr. *Lowther*, calls aloud for an inquiry into his management at *Surat*, and proposes to send *John Braddyll*, Esq; as supravisor, to examine thereinto, and that Mr. *Lowther* be suspended from his chiefship, till he has clear'd up his conduct: which being approved of by the rest of the members of the board (except Mr. *Draper*) is accordingly resolved upon.

Mr. *Draper* having objected to the manner of the enquiry into Mr. *Lowther's* conduct, will give his reasons in writing for so doing.

Directed, that instructions and a Commission be prepared for *John Braddyll*, Esq; as supravisor, to enquire into Mr. *Lowther's* conduct; that an order be sent over to Mr. *Lowther*, to deliver the charge of the factory, with the Company's effects, books, papers, &c. to Mr. *Braddyll*, and that the rest of the gentlemen obey Mr. *Braddyll* according to his station, and assist him in the enquiry.

As the *Elizabeth* is now bound to *Surat*, directed, that the supravisor take passage on her, and, pursuant to his request, Messrs. *John Cleland* and *John Peirson* are ordered to his assistance.

The president now lays before the board an abstract (which *Jaggernaut* lately presented to him) of such debts due to the brokers, as *Jaggernaut* says he esteems good, and which amounts to *Rupees* one million six hundred eighty-two thousand and seventy-four; wherein the President takes notice of the two following remarkable articles:

“ *Parack*

" <i>Parack Bemab. Hirjee</i> , which, I	
" hope, the honourable Company	
" will be induced to repay me,	
" when they have considered ma-	
" turely of the justness of my pre-	
" tensions - - - - -	439310
" Lost by the investment of piece-	
" goods in governor <i>Phipps's</i> time,	
" which, I hope likewise, the ho-	
" nourable Company will think me	
" justly entitled to 50000 ; princi-	
" pal, with interest, will amount to	
" about - - - - -	100000
	539310

And as sundry persons, who are therein said to be largely indebted to the brokers, are known to be in bad circumstances, it is reasonable to suppose, several others debts will prove of the like nature.

The president acquaints the board, that the reason of his taking notice of the above two articles, is, that yesterday he received information, that a * state of the brokers case has been sent home by the late departed ships, (but he knows not by whom or to whom) wherein, he supposes, those two articles are included as entitled to redress.

The broker *Jaggernaut* represents to the board, that not being acquainted with his father's accounts and transactions during his life-time, he cannot now give in a more exact list of his debts ; but as the two *Mettabs* (or book-keepers) who kept those accounts, are at *Surat*, he promises, on his return, to draw out not only an exact list of the debts he thinks may be recovered, but likewise a true state

* This, I presume, is the memorial referr'd to in Mr. *Lowther's* Answer, p. 23.

of his affairs; and solemnly declares, he will fix a certain sum to be paid the honourable Company annually, which shall be as much as his circumstances can possibly afford, in which there shall be no deficiency. And as we have no immediate occasion for him here, and the detaining him may be prejudicial to his affairs; it is agreed, that he have liberty to return to *Surat*, and that we recommend to Mr. *Braddyll* to assist him in the recovery of his debts, and also to enquire thoroughly into the state of his affairs.

N^o 2.

Mr. BRADDYLL's REASONS.

Honourable Sir, and Sirs,

AS I was last council-day formally call'd upon, by the honourable president, to deliver in my reasons to this board, for a declaration appearing on our registers, that I thought Mr. *Lowther* unworthy of any further trust in the honourable company's service.

I shall use no further introduction to my representation of them, than what will just serve to obviate that trite and absurd objection of being actuated by pique and resentment, which has served, and continues to serve Mr. *Lowther* and his adherents, to throw at the head of every honest man that presumes to censure his conduct, as it did last year, when I was setting on foot an enquiry into it, an attempt I see no reason to think the less just and necessary for its having been unsuccessful. As that charge, in truth, does not deserve to be used with common decency, and can only make its impression on very bad heads, or be countenanced by very bad hearts, I shall esteem the best answer I can make to it, to consist in a fair deduction of the reasons I ground my opinion of Mr. *Lowther's* procedure

cedure upon, and from thence coolly appeal to the judgments of all men of understanding and worth, whether a series of apparent breaches of trust in Mr. *Lowther's* private and public dealings, does not call aloud for, and extort this notice of them, if I would not silently sit down under the scandal of betraying my duty to my honourable masters, and of an infamous connivance at the total and imminent ruin of their estate, credit and interest, at *Surat*.

To begin with a flagrant testimony of Mr. *Lowther's* candour and sincerity in his declaration, that the thing nearest his heart is the payment of his just debts, and what alone can make his life desirable to him, (see the *Surat* general letter, dated the 22d of *January*, 1735-6.) I shall only remark, how unjust and unfair a provision he has made for the satisfaction of his lawful creditors (amongst whom his honourable masters were not the least) and who surely, if any, had the justest title to a preference.

When Mr. *Lowther* knew, as I shall prove he did, that his circumstances were at least suspicious (if not desperately bad) through a large debt which he pretends (and I do not allow till I see the account fairly stated) that the late broker *Loldas's* ow'd him, and which in the above cited letter he was sensible was very precarious, even so long ago as 1731, by the apparent and notorious bad state of *Loldas's* affairs: I ask, was it fair and candid in Mr. *Lowther*, in this condition, to insinuate himself into his honourable masters debt, by purchases of their woollen goods, iron, &c. which he made his boast of paying the first time before the amount became due, by transfers upon the brokers, and not in real cash, by which means the investment came in tardily, and to a less advantage, than if transacted, as it ought have been, by money paid down
on

on the nail; and Mr. *Lowther* had the benefit of lessening the broker's debt to himself, whilst he encreas'd theirs to the honourable Company. But the second purchase, in 1734, exceeds all manner of injustice and infidelity, and seem'd design'd as a crutch to support a failing credit, at the expence of his honourable masters estate, as well as a poor and shallow artifice to get continued in his chiefship; when no other human reason could be given for it, and by his last-mentioned letter it is the only one he has recourse to, but I think can no longer serve his turn, when the following circumstances shall be duly considered.

Last year Mr. *Lowther*, on the departure of the late president for *Great-Britain*, parted with great sums towards paying the large debt he owed him, and, by this indirect clearance, became an insolvent bankrupt, to the prejudice of his other creditors, divesting himself of the means of satisfying them with the share they were in all justice and equity entitled to: There is likewise a report spread, that he has assign'd over his part in the *Cowan* to Messrs. *Ramsden* and *Robinson*; which, I hope, is not true; because, I can hardly conceive that even Mr. *Lowther* should be capable of so consummate a strain of injustice and treachery to his honourable masters, whom, with unequalled modesty, he affirms to have so zealously served so many years, as if he was addressing himself to gentlemen that neither knew him or his management.

I shall not here do Mr. *Lowther* the honour to rake into several of his private transactions, such as the unaccountable perplexity of his remittances, the clamour of the *Bengall* gentlemen and supercargoes, for his arbitrary monopoly and destruction of the *English* trade at *Surat*, by indirect measures, and intimidating the merchants: I need go no further than appeal to an honourable gentleman (his benefactor)

factor) near me, whose property he has invaded, or rather plundered, by a most bare-faced, unheard-of falsity to his trust and charge! perhaps with a view to that stale, thread-bare trick, of getting into a man's debt to make sure of his interest and support in order to its clearance.

And here I must not omit just mentioning that never-to-be-forgotten demurrer of Mr. *Lowther* to his hand and seal, when if he could have produc'd an act of parliament expressly precluding an alien from suing him, it would appear a most flagrant breach of trust to avail himself of it: what must his guilt then be, if he has perverted the justice of the nation, that truly well-known justice, upon which, with a most bitter irony, he insults us with an assurance of its firm establishment in our colonies abroad. (See the letter above-mentioned.) His demurrer is now under the cognizance of a superior power; but had my opinion had the least weight, my honourable masters would never had the trouble of it left them, as I am convinced we had a competent authority here to bestow a due censure on it, and by that means might have saved the nation the ignominy of a very just application to the Mogul's court, and an order to seize the person of an *English* chief, who, after disputing his bond, and braving the common rights of mankind, as meanly consented afterwards to give a fresh one to the black merchant, who was wise enough not to trust it a second time without two gentlemen signing it as securities: an end entirely worthy the commencement.

Well might Mr. *Lowther* declare (as he did openly at this board) that he was for silencing a Court of justice, and actually abused one of its members upon the bench *. I acknowledge under my

* Mr. *Stonestreet*,

hand, that he was in the right, when it appears so much his interest, that there should be no such thing as justice upon the face of the earth ; and I am sure it is the only chance he has for escaping the reward of his deserts.

Let us now examine Mr. *Lowther*'s merits to the honourable company, his misapplication of their money, and his infidelity to their interest.

Did he not constantly amuse the board with his assurance, that the brokers would have a creditable capital after the clearance of all their debts ? when he knew, as appears by his letters, and indeed all the world knew (even as he says) in 1731, that *Loldas*'s affairs were entirely declining, and surely they then little better'd by his death.

Did he not suffer *Loldas*'s sons (the present brokers) under their suspicious circumstances, to pay off near six lack of *Rupees* to their *Buzzar* creditors, without taking the least care of his masters concerns ? Which, by an unaccountable construction, Mr. *Lowther* makes a merit of, because he at the same time assures us he took as little care of his own interest. Is that an excuse ?

When we wrote Mr. *Lowther* in a general letter, to recover the amount sale of some lead from one *Vendran Loljee*, a *Surat* merchant, who had appear'd to us the purchaser, Mr. *Lowther* wrote us gravely back, that he was then gone to *Vertage*, but expected there every day, when he would recover the amount with interest, as he then promis'd to discharge it. This was a gross, shameful imposition, since the man never received the lead, which was indeed sold to the broker.

Mr. *Lowther*, by the broker, sold a parcel of the Company's raw silk (per *King William*) to a no less amount than *Rupees* forty-seven thousand eight hundred eighty, and six *Pice*, for which *Samboodas*, the shroff, at several payments, received the amount :
the

the broker stands indebted for this under the 13th of *March* last; but I am well assured it was applied to Mr. *Lowther's* particular service; hereby increasing the broker's debt by so much to the honourable Company, and lessening the broker's to himself; so that by this fraudulent misapplication, a loss of that large sum accrues to my honourable employers.

Mr. *Lowther's* obtaining from the brokers a bill for twenty-five thousand *Rupees* on his correspondents at *Dilly*, in order to the clearance of his fresh bond to the black merchant above-mentioned, whilst the brokers concerns there are appropriated to the making good the remittances to *Bengal* for the Company, which still remain uncompleted, after a term of four years and upwards, is another recent proof of his dutiful regard for the interest of his honourable masters.

The above particulars are all matters of fact, attested by the strongest evidence. And though all, or the least of them, are sufficient to justify the severest censure in our power, there still remain many other matters that want to be clear'd up, or at least call for a satisfactory scrutiny and retrospection; such as the following suggestions, in which I sincerely declare, I shall be glad to find myself rather in part misinform'd, than Mr. *Lowther* wholly guilty.

The reasons for the impolitic conduct of the *English*, in engaging so deep in the civil wars at *Surat*.

Their acting upon the offensive, when, I have strong reasons to be persuaded, the defensive alone would have much better answer'd the Company's ends.

The displacing one bad governor, in order to make room for a much worse, in which Mr. *Low-*

ther so highly boasted of the share every body allows him, may be worth enquiring into.

As likewise the occasion of that broil, in which *Loldafs* is supposed to have been so much concern'd as to have hasten'd his end; together with that scandalous and shameful aspersions upon the *English*, prevalent with many at *Surat*, that the *English* were the immediate causes of *Mahmud Ally's* misfortunes, and the ruin of that family, by which our nation is in danger of contracting an indelible odium, unless our innocence is fully and plainly demonstrated, which I will not allow myself to doubt of.

Add the several articles laid by the *Surat* governor to Mr. *Lowther's* charge, when the factory was shut up, concerning his defrauding the King of his customs, &c. and which I am far from thinking have ever been satisfactorily cleared up.

The tardy payments towards the investments, both at *Surat* and *Cambay*, by which they have been so much retarded, and are in danger of proving defective: nor does it appear to me, that the last lack of *Rupees* said to be advanc'd *Jaggernaut*, at Mr. *Lowther's* return to *Surat*, was made good to him before *Jaggernaut* came down hither, which must certainly obstruct the carrying on the investments, of which ready money is the sinews, and first mover.

There is further reason to think that the *Surat* books are loaded with a heap of fictitious, collusive transfers, betwixt the brokers and himself, and that particularly the balance of cash in *July 1734*, was of that imaginary nature, and serv'd Mr. *Lowther's* private conveniencies.

The causes of the visible and deplorable state of the *English* credit and trade at *Surat*, are so nearly connected with that gentleman's management, that

I justly place them here as matters of our cognizance.

Nor do I think several undutiful and disrespectful paragraphs in the general letters from *Surat* (which I will have the charity to ascribe to the Chief's undue influence upon the gentlemen under him) ought wholly to pass without a fitting notice. And here I cannot omit a proper animadversion upon that inimitable piece of admonition Mr. *Lowther* gives us in his last letter above-mentioned, That we ought in good policy to give him some public mark of our benevolence, to keep up his credit in a place of trade. I am sure such a countenance would hardly keep up our credit, whatever effect it might have upon his: and I am of so different an opinion, that I think we should give but slender marks of our benevolence to the interest of our honourable masters, and those of mankind in general, if we continue to let such a complication of male-practices escape our immediate notice and redress: and I shall, without scruple, take for granted, that the Company will think any man in their Service, who dares abet or espouse a cause of so great and so apparent guilt, unworthy of eating their bread; and consequently ought to be involv'd in the censure due to accessaries so treacherous and unfaithful to their honourable masters, and in which this honourable board shall meet with my most hearty concurrence. This concludes me to be, with all respect,

Honourable Sir, and Sirs,
Bombay, Your Honours, &c. most obedient,
Feb. 8. 1735-6. and most faithful humble servant,

JOHN BRADDYLL.

N^o 3.

*Mr. DRAPER to Mr. JOHN DACRES,
Secretary.*

S I R,

AS I made some objections, last Council-day, to the addition that was ordered to be made in our letter to the honourable the Court of Directors, relating to Mr. *Lowther's* debt, I cannot agree to sign the same without the following exceptions.

Because, as Mr. *Lowther's* debt became due only on the 31st of *October* last, and, since his having first contracted it, he has decreas'd it near two hundred and eighty thousand *Rupees*, and this too in the most calamitous times that were ever known in *Surat*, I have no reason at all to question but he will make good his promise in discharging the remainder (which I apprehend to be about eighty thousand *Rupees*) in the next year's investment; and more especially he will be enabled to do this, if in the mean while no steps are taken to injure his credit; nor do I doubt but Mr. *Lowther* will be able to give very GOOD REASONS for having applied any of the Company's money to his OWN USE, if upon examination it may be found that he has done so, as is express'd in the said letter.

I am, Sir,

Bombay, Feb. 9.
1735-6.

Your most obedient servant,

WILL. HENRY DRAPER.

N^o 4.

No 4.

*The GOVERNOUR and COUNCIL's In-
structions to Mr. BRADDYLL.*

To JOHN BRADDYLL, Esq; Supravisor of all the
Affairs of the British Nation in Surat.

S I R,

IT appearing to us, that our honourable masters
affairs in *Surat* have not been transacted in so
upright and fair a manner, as ought to have been
done there by the present Chief; we have thought
proper to suspend him from his station, and appoint
you Supravisor, to enquire and examine into the
same; and you have herewith the President's com-
mission of this date, giving you full power so to do,
according to the directions you shall from time to
time receive from us.

You are accordingly to take passage on the *Eli-
zabeth*, now bound to *Surat*; and on your arrival at
the *Bar*, send notice thereof, that the gentlemen
may provide for your reception according to your
character; and on your arrival in town, deliver
the letter herewith given you for Mr. *Lowther*, or-
dering him immediately to deliver over the charge
of the factory, with all effects, books, papers, &c.
belonging to the honourable company, which you
are accordingly to receive from him.

It has been proved before us, by the declaration
of the broker *Jaggernaut*, that a parcel of raw silk
belonging to our honourable masters, was sold at *Su-
rat*, and the money for it, amounting to *Rupees* for-
ty-seven thousand eight hundred eighty, and six

Pice,

Pice, received by *Samboodass Sbroff*, which, it is reasonable to suppose, was applied to Mr. *Lowther's* particular service, though *Jaggernaut*, &c. brokers, are debted for it on the *Surat* books.

That one *Vendrayan Loljee* appearing here the purchaser of a parcel of lead, to the amount of *Rupees* four thousand five hundred eighty-five, one quarter and sixty *Raes*, and Mr. *Lowther*, &c. factors, being ordered to recover the amount, they answered in substance, "He was gone to *Vertage*, but "expected back every day, when the amount "should be recovered with interest, as he then "promised to discharge it." The said lead was never delivered to *Vendrayan*; but Mr. *Lowther*, about two months since, sold it to the broker, and it was sent to *Brodera*, to raise money to carry on the investment.

That Mr. *Lowther* did obtain from the brokers, a bill for twenty-five thousand *Rupees* on their *Vakeel* at *Dilly*, which, we are informed, was applied to discharge a debt he owed to *Lolla-see Sun-ker*; and as the brokers concerns there were appropriated towards making good the remittances ordered to be made to *Bengal* on the Company's account, which are not yet compleated, the withdrawing the sum above-mentioned is actually depriving the honourable Company of so much of the brokers debt, and consequently occasions the the loss of that sum to them.

The above three articles being what more immediately appear to concern the honourable Company, as they are so many different acts of infidelity to their interest, you are fully to inform yourself concerning each of them, and to get what proof you can, as from the representation you make we shall exhibit a charge against Mr. *Lowther*, that, if he can, he may clear himself of what has been alledg'd against him.

There

There are other transactions of Mr. *Lowther's* which ought to be enquired into, that Mr. *Lowther* may be justified, if the reflections cast on him be undeserved; otherwise, that we may, as far as in our power, do justice to our honourable masters, and the rest of mankind, who may have been prejudiced by such proceedings; the general heads whereof are as follows; which you are candidly, but strictly, to enquire into; and also into any other matters, wherein you shall have reason to apprehend the honourable Company has been prejudiced, and make an impartial report of your scrutiny to us.

Whether the amount of the first parcel of woollen goods, &c. purchased by Mr. *Lowther*, was paid in ready money, or by transfers?

Whether, and to what amount, Mr. *Lowther* has lessen'd the brokers debt to himself, by encroaching theirs to the Company?

The true reasons for the deficiency, as well in quantity as qualities of the investments for some years past, particularly the last; and in what manner the money for carrying them on has been advanced?

Whether the present brokers, after their father's death, paid off their other creditors, preferable to the honourable Company; and to what amount, and whether this was done by the advice, directions, or connivance of *Lowther*?

Whether the balance of cash in specie, under the last of July 1734, or at any other time, agreed with the books: also, whether fictitious entries and transfers are made therein, and who benefited thereby?

It has also been urged, that the following particulars have never been satisfactorily cleared up, and in the management of which Mr. Lowther had a great share, several of them tending very much to the discredit of the *English*: you are strictly to enquire into them, and faithfully set them in a true light, that the odium be only cast on those who shall be found to deserve it.

Whether there be any foundation for the scandalous aspersions prevalent with some people at *Surat*, That the *English* were the causes of *Mahmud Alley's* misfortunes, and the ruin of that family?

And as we have been told, that the quarrel between *Cowjee* and *Monackjee*, of the *Russian* family, was only a pretext made use of to induce the late President and Council to stop up the bar with the ship *Heathcote*, &c. you are fully to inform yourself, whether that affair was fairly represented from *Surat*.

Sundry articles Mr. Lowther was accused of by *Tedjee Begg*, the governor, during the late troubles, not having been satisfactorily cleared up, you are to examine what grounds there are for such accusations.

And whether there is any reason for the *Bengal* gentlemen, their having complained of Mr. Lowther's monopolizing and destroying the trade of *Surat* by indirect means, and intimidating the merchants?

And as the *English* trade and credit at *Surat* is at present in a very deplorable state, we would have you enquire into the true reason thereof.

We doubt not but your enquiries will be made with candour and moderation towards Mr. Lowther, and at the same time a due regard to your employers interest. We have directed Mr. Hope,

&c. factors at *Surat*, to obey you according to your station, and give you all the assistance in their power: but should any of them endeavour to obstruct you in your proceedings, we give you full power, and direct you to send them down hither, and we shall take such notice of them as their behaviour shall be found to deserve.

On our asking the broker how he came to be debted for the raw silk, *per King William*, on the *Surat* books, when the money for it was receiv'd by Mr. *Lowther*; he said, Mr. *Robinson* told him he had orders for so doing: which we desire may be fully explain'd.

We have given the broker *Jaggernaut* leave to return to *Surat*, where he has promised to give in an exact list of such debts owing to him that may be depended upon as good; we therefore recommend to you to assist him in recovering such debts, and to enquire thoroughly into his affairs, that we may be satisfied what prospect there is of his discharging his debt to the Company, for which purpose he has declared he will fix a certain sum to be paid annually, which shall be as much as his circumstances can possibly afford, and that there shall be no deficiency. The effecting of this we recommend you as an acceptable piece of service.

We send to your assistance Messrs. *John Cleland* and *John Peirson*. The former is to take place in Council, according to his standing.

Herewith is delivered you a sketch of Mr. *Lowther*'s account, which is to be made up at interest, debting him for the amount of the lead sold *Vendran Lohjee*, at the time it shall appear he sold it to the broker, and crediting him for what sums he shall have made good towards the *Surat* or *Cambay* investments not included in the above-mentioned sketch, and for the balance that shall appear due to the honourable Company on adjusting the

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account.

account. We direct you to take Mr. *Lowther's* bond, that there may be no objection to the honourable Company's having an equal claim with the rest of his creditors. If Mr. *Lowther* desires to come hither on your arrival, you are to permit him so to do: and while he stays at *Surat*, let a respect be shown him suitable to his late station.

During your stay there, you have our permission to keep a public table, suitable to the character you are invested with, and we doubt not of a good œconomy being observ'd therein. We are, Sir,

Your loving friends,

*Bombay-Castle,
the 11th Feb.
1735-6.*

John Horne.

Geo. Taylor.

Jno. Braddyll.

Geo. Percival.

J. Lambton.

N^o 5.

Mr. DRAPER's Reasons for his Dissent.

AS I acquainted the Board yesterday, that I could not agree to the motion then made for suspending Mr. *Lowther*, for sundry reasons that I had to offer, and more particularly against the manner of doing it; and that I would perform this as speedily as possible: I shall now endeavour to make good this promise; in the first place, by resuming those arguments I then made use of, and shall afterwards subjoin what I think necessary in defence of his character, and the extraordinary services which, in my opinion, he has perform'd
for

for our honourable masters in *Surat*; notwithstanding the one is so openly struck at in the charge then exhibited against him by Mr. *Braddyll*; and the other, by forc'd constructions, represented not only of no signification, but highly prejudicial to the Company's interest, as well as to the credit of our nation in general.

To begin first with the reasons of my dissent.

Because I cannot but conceive it (supposing Mr. *Lowther* really guilty of all the facts laid to his charge) a very extraordinary and irregular method of proceeding, to lay him under a suspension from his post before he has seen the charge that is delivered against him, and had a reasonable time given him to make his defence: and I am the more surpriz'd at this, when I consider, that the very gentleman who gives in the charge (Mr. *Braddyll*) is the person appointed to make it good; which is the investing him to act in a double capacity, as accuser and judge; a manner almost unheard of, and which I conceive to be quite contrary to the honourable Company's standing rules and orders; who, being so tender as well of the characters as the properties of their servants, have very wisely provided, that no one (and more particularly a member of this Board) shall be proceeded against, but by first of all delivering him a copy of his charge, as aforesaid, and allowing him a reasonable time to make his defence. 'Twas for these reasons principally, that I so strenuously desired Mr. *Lowther* might be proceeded against in this manner, without sending any member of this Board (much less his accuser) with a power to lay him under an immediate suspension: and I was likewise induced to urge farther reasons against this procedure.

Such as, altho' the sending supervisors had heretofore been the common rule in these cases, as to *Persia*, *Mocha*, the *Malabar* coast, or elsewhere, that the

distance of their situations required a compliance with this rule, yet *Surat* being so near, in our neighbourhood, that we could receive Mr. *Lowther's* answer in a few days; and withal, his case being a particular one, might very justly be look'd upon as an exception to this general rule, and seemingly an harsh method of proceeding, which, in my opinion, ought to be executed in the most moderate and gentle manner imaginable, least the contrary might be attended with this ill consequence, of so far affecting his credit, as to render his debt to the honourable Company quite precarious, which otherwise I have no reason at all to doubt his making good, as in the manner recited in the exceptions I made to the paragraphs relating to him, and his debt, in our letter to the honourable the Court of Directors: and if upon a compliance with this method of proceeding, it should be afterwards found by this Board, that Mr. *Lowther's* answer was insufficient to acquit him from the sundry articles laid to his charge, it would then be time enough to proceed in a more rigorous manner, by either calling him before us, or authorizing a proper person to make this enquiry, such as the Board should think fit; that then, if the facts were prov'd upon him, he might receive the punishment he deserv'd, which I should be as ready to pronounce against him as Mr. *Braddyll* himself; but until I have a clear conviction of the several articles laid to his charge by that gentleman, I must desire to be excused.

I further pleaded, that 'tis well known the public posture of affairs in *Surat* at this critical juncture, are such, by the *Sciddees* having again visited the Bar, and thereby thrown the city and its government into the utmost confusion, that the making any sudden change or alteration in the management of the Company's affairs, and more particularly the dispossessing the Chief of his power (who is so well beloved

beloved by all ranks and conditions of men, and more immediately look'd upon as the mediator and healer of the commotions amongst them) might be attended with very pernicious consequences to the public credit in general; a matter not in the least unworthy our most serious consideration, and more especially at a time when unanimity and a good agreement amongst ourselves call upon us to lament the unhappy scene with which we are every way surrounded in our masters affairs.

Another observation occurs on this head, and that is, that as Mr. *Lowther* is and has been the only support of their brokers credit in *Surat*, ever since their father's death, whether or no, by this manner of proceeding against him, he should be so far distress'd as to throw up his affairs, the consequences in regard to the brokers debt to the honourable Company are not to be dreaded? as it is said *his affairs with the brokers are so much blended together.*

Thus have I, by this recapitulation of the arguments I made use of against the manner of enquiry into Mr. *Lowther's* conduct, made good what I have to offer in that respect, so far as my memory can suggest. I shall now crave leave to speak one word in the defence of his character, and the very signal services that, by undeniable proofs, he has perform'd for the public good in *Surat*.

Without giving myself the trouble to look back into many past transactions, and enquire for instances of his generosity, and *public spiritedness to mankind in general*, which are numberless, I need only mention that almost unparallel'd one to his honourable employers, when at a time that their affairs required large remittances to be made down to the Bay; did he not, regardless of his own interest, with the view only of promoting theirs, voluntarily resign over to them no less a sum than
three

three hundred thousand *Rupees*, which before had been assign'd over to him by the deceas'd broker *Loldafs*, in part of the large debt he then owed him?

Did he not likewise, when the estate and property of his masters was publickly threatned and almost invaded by the tyrant of a governor *Sorab Ally Caun*, through his activity and diligence so reconcile the different views and interests of the whole oppress'd body, that with one voice they fell into his measures for repelling and resisting by force his wicked attempts against them, to the apparent hazard of his own life and fortune, in which it pleased God so far to crown his endeavours with success, that he not only was the immediate instrument of expelling him, and placing another governour in his stead, to the then entire satisfaction of the whole city, but recovering from the authors of this wickedness the whole charge he had been oblig'd to put his masters to in bringing it to pass, to the amount of no less a sum than seventy thousand *Rupees*, by which the currency of their trade, and the public tranquility, was restored without the least loss or prejudice to them? For the truth of this I appeal to the voice of mankind in general, to the approval of the late honourable president and his Council, nay, and even to that of this Board; although, in the charge now delivered in against him, this article is crowded in, with many other such-like supposed and fictitious crimes and misdemeanors.

Dated in Bombay, February the 11th. 1735-6.

William Henry Draper.

N^o 6.*The President's Remarks on Mr. DRAPER'S Objection and Dissent.**Gentlemen,*

MR. Draper having made objections to the paragraphs of our letter to the honourable the Court of Directors, dated the 9th instant, concerning Mr. Lowther and his debt to the Company, and having also dissented from the manner of making an enquiry into Mr. Lowther's conduct, on his being accused of several notorious breaches of trust in the service of our honourable masters; for which objections and dissent I cannot think Mr. Draper has given satisfactory reasons; I shall only set the facts he mentions (but has misapprehended) in a true light, when, I am persuaded, Mr. Draper's arguments will appear very ill grounded to all men of candour and common understanding.

Mr. Draper says, that Mr. Lowther's debt did not become due till the 31st of October, and that since that time he has clear'd off near two hundred and eighty thousand *Rupees*, from whence he does not doubt but Mr. Lowther will make good the remainder (which he apprehends to be about eighty thousand *Rupees*) according to his promise, in the next year's investment.

If Mr. Draper had recollected, he must have remembered, that in January 1734-5 governor Cowan drew bills on Mr. Lowther for *Rupees* one hundred and twenty thousand, which, with interest, became due in March and April (but this is not very material:) but he is widely mistaken as to the balance due

due from Mr. *Lowther*, which, to my very great concern, I find to be about one hundred and twelve thousand two hundred and eighty *Rupees*, besides the amount of what money belonging to the honourable Company which it shall appear he has applied to his own use. Mr. *Draper*'s declaring he has no reason to question, but Mr. *Lowther* will clear off his debt, according to his promise, next year, is to me very surprizing, after Mr. *Lowther* has given so uncandid an answer to our offer of forbearance : however, I shall be very glad Mr. *Draper* will satisfactorily inform this Board (and now I call upon him so to do) in what manner Mr. *Lowther* will make good his debt towards the investment next year ; which I can very safely venture to promise him, will more effectually recommend him to his honourable masters, than his refusing to join with us in taking such steps as, in my opinion, to all unprejudiced persons must appear our duty to do.

I hope Mr. *Draper* is the only gentleman in our honourable masters service, who is of opinion that good reasons can be given for their servants applying the honourable Company's money to their own private use ; and I wish (for his sake) our honourable masters do not esteem him who makes such a declaration in some degree culpable, as well as the person who so misapplies their money.

The chief reasons Mr. *Draper* urges against our enquiring into Mr. *Lowther*'s conduct, are, the manner of doing it by a supravisor, divesting the chief of his power, and pitching upon his accuser to be his judge ; all which he terms a very extraordinary and irregular method of proceeding, nay, a manner almost unheard of ; though he himself cannot be ignorant it has been the constant practice in all places on the like occasion. And therefore I need not observe to you, gentlemen, how much Mr. *Draper* is here mistaken : for though Mr. *Braddyl*

inform'd us of fundry acts of infidelity committed by Mr. *Lowther*, which were confirm'd by the broker, and we thereupon appointed him to enquire, if there be reason to accuse Mr. *Lowther* as to any other of his transactions, in a public capacity: we have not therefore made him his accuser and judge; no, Mr. *Lowther* will have a charge exhibited against him from this board, and a full time allow'd him to make his defence (according to our honourable masters standing orders) when he will be either acquitted or censur'd, according as the crimes alledg'd against him shall be prov'd. I can't believe Mr. *Lowther* himself will judge he is hardly used, in being suspended till he has clear'd himself of what he has already and shall be accused of: and much less can I think he ought to have any share of the managment of the enquiry into his own conduct, since, 'tis natural to suppose, no man will furnish matter to accuse himself.

I am glad Mr. *Draper* allows it has been customary to send supravisors to *Persia*, and other places at a distance; and I could produce instances of their being sent to *Surat*, but I do not think our conduct needs to be justify'd by a precedent, which I dare say will appear as favourable to Mr. *Lowther* as is consistent with our duty to our masters; nor can I allow that the particularity of his case requires the most gentle and moderate measures. But I forbear on this subject, as I am to be one of his judges.

Mr. *Draper* is of opinion that we ought not to enquire into Mr. *Lowther*'s conduct, because it will so far affect his credit, as to render his debt to the honourable Company quite precarious. But if this be allow'd to be a good reason, it naturally follows, that if a man can but get into his honourable masters debt, he is to be protected and supported, let him be guilty of ever so many crimes. I wish

I had thought this had been Mr. *Lowther's* view, when he bought the last parcel of cloth.

As to what Mr. *Draper* sets forth, concerning the posture of affairs in *Surat*, and how much Mr. *Lowther* is belov'd by all ranks and conditions of men, and more immediately look'd upon as the mediator and healer of the commotions amongst them; I say, his pleading this will not tend to Mr. *Lowther's* advantage; because it obliges me to declare, that before the *Sciddees* sent their fleet to the Bar this season, I received letters from the chief persons in power among them, requesting me to order Mr. *Lowther* not to interfere between them and the government: and they had before complain'd, that he was the cause of their affairs not being settled last year. Wherefore, I am so far from thinking that our dispossessing Mr. *Lowther* of his power, will be attended with the very pernicious consequences to the public credit, which Mr. *Draper* apprehends; that, on the contrary, I have reason to believe it will retrieve and establish it on a much better footing than it has been of late.

I confess I do not comprehend Mr. *Draper's* meaning, where he says, that “Unanimity and
“ a good agreement amongst ourselves call upon
“ us to lament the unhappy scene with which we
“ are almost every way surrounded, in our masters
“ affairs.” I am indeed of opinion that we ought to unite, and exert our utmost endeavours to retrieve and put our honourable masters affairs on a better footing, and therefore am sorry to see Mr. *Draper* dissent from us on so necessary an occasion, which does not show he sincerely wishes the unanimity and good agreement which he would seem to recommend.

I shall not now enquire into the reason of Mr. *Lowther's* so strenuously supporting the brokers; but surely it was very imprudent, as well as an unjustifiable

justifiable step in him, if he permitted them to pay so much money away to their other creditors, after their father's death, and neglect the honourable Company, whereby they are like to be so very considerable sufferers. This was reported long ago, and our honourable masters were advised of it by the *King William*; and certainly Mr. *Braddyll*'s remark, That the little care of his own concerns is no excuse, is very just.

I am sorry I cannot join with Mr. *Draper* in opinion as to Mr. *Lowther*'s character in general, and particularly in what he calls that almost unparalleled piece of generosity in Mr. *Lowther*, of preferring his honourable masters interest to his own, and giving up three lack of *Rupees*, which it is said the broker had made over to him. I desire leave to remark, that it has not yet been made appear that the brokers effects at *Dilly* were ever assign'd to Mr. *Lowther*: or if they had, this pretended remission would not have been out of regard to his employers, but the brokers interest; who, if we may believe him, he then thought in good circumstances; though 'tis well known, that when these remittances were ordered to be made on the honourable Company's account, the broker could not raise money for that purpose in *Surat*; and was therefore oblig'd to have recourse to *Dilly*: and Mr. *Lowther* lately telling us, that before *Loldas*'s death it was well known his affairs were on the decline, gives room to suspect that matters have been strangely represented; and Mr. *Lowther*'s accepting of these consignments would have been a manifest breach of trust to his masters. I must further observe, that Mr. *Lowther* was formerly so far from claiming any merit on this score, that he took a great deal of pains even to excuse this transaction, as will appear by the *Surat* general letter, dated the 21st of *March* 1732-3, to which I refer.

I shall forbear examining into the merits of his conduct, in expelling *Sorab Caun*, though I shall not deny his activity and diligence therein. The approval of that proceeding by the late President and Council, as well as what we wrote to our honourable masters, by the *Wilmington*, concerning it, were grounded on the representations made by Mr. *Lowther*, &c. from *Surat*; and I shall be glad to find those affairs have been set in a true light to us, tho' from what has been remarked above, I think I have reason to doubt it.

Dated in Bombay-Castle, this 19th day of February, 1735-6.

John Horne.

N^o 7.

*Extract of a Letter from Mr. BRAD-
DYLL to the Presidency, of the 20th
of February, 1735-6.*

ADvising of his arrival at the Bar, on the 18th instant, and that hearing there were troubles in town, he had sent Mr. *Cleland* with orders to Mr. *Hope* to receive the charge of the factory; but on his arrival there, with Mr. *George Williamson*, the supercargo of the *Elizabeth*, Mr. *Lowther* ordered them both out of the factory, in which he was back'd by Mr. *Robinson*. The supravisor adds, that from other declarations he has receiv'd from Mr. *Robinson*, he has great reason to believe he shall meet with little assistance from him:

N^o 8.*A Letter from Mr. GEORGE WILLIAMSON to Mr. BRADDYLL.*

To the worshipful JOHN BRADDYLL, Esq;

S I R,

WE call'd at the *Dutch* factory, and were advised there, that all was well at our factory; so proceeded, and waited on Mr. *James Hope*, who was in the new factory: Mr. *Cleland* and he went to the old factory, and I waited on them; but as soon as we got to the head of the stairs, Mr. *Lowther* met us, and said, "For you, Mr. *Cleland* and Mr. *Williamson*, begone out of the factory, lest I use you ill." More he said, which time will not permit me to recite: but we found it best to retire, which accordingly we did. I refer you to Messrs. *Hope* and *Cleland* for the rest. I have not had the least opportunity of speaking above two or three material words to Mr. *Hope*.

I am, most respectfully,

Surat, 18th Feb. 1735-6. *Your most obedient humble servant,*

George Williamson.

P. S. We got up about half an hour past three.

N^o 9.*Mr. LAMBTON's Remarks on Mr. DRAPER's Dissent.**Honourable Sir, and Sirs,*

THE honourable the President having signified at our last meeting, upon reading of his, that each member of the board was at liberty to make their separate remarks on Mr. *Draper's* objections to the manner of enquiry into Mr. *Lowther's* conduct, I hope I do not transgress any rules in offering at this time my thoughts on that gentleman's letter of the 9th to the secretary, and his dissent of the 11th instant; and if herein I am oblig'd to repeat some things which the President hath observed before me, the particularity of the case will, I flatter myself, plead my excuse with this Board, my chief design being to vindicate the manner and necessity of our proceedings, and to expose the false reasoning of those who condemn it.

It hath already been observ'd by the President, that Mr. *Lowther* hath paid in part of his debt for the woollen goods, &c. due the 31st of *October* last, by transfers, and in money but *Rupees* on hundred and fifteen thousand two hundred sixty-three, two quarters, thirty-one *Raes* principal. How to account for the two hundred and eighty-thousand *Rupees* Mr. *Draper* is pleas'd to mention, can no otherwise be done, than by including Mr. *Cowan's* two bills of exchange for one hundred and twenty thousand *Rupees* drawn on Mr. *Lowther*, payable in *March* and *April* preceding, which, with interest for

for the time of forbearance, namely, to the 17th of *August*, were encreas'd to one hundred twenty-six thousand three hundred fifty-eight *Rupees*, three quarters, and sixty-two *Reas*; and yet some gentlemen say we are hasty, and grant not a necessary forbearance. But to proceed. If by blending these two accounts together, Mr. *Draper* means to show to this Board, that the bill-money ought to have gone in discharge of the woollen goods, &c. the observation may be just: but why he should infer, from Mr. *Lowther's* clearing off those bills after five months forbearance, and paying off a little more than half the amount of the woollen goods, &c. in four months after it became due, that the remainder is unquestionable, is more than Mr. *Lowther* hath taken upon him to say, neither can any other person, I think, justly draw the inference: on the contrary, what is to be gathered from both their arguments amounts to this, That unless this Board will continue to support Mr. *Lowther's* credit, and give him some marks of benevolence, that is, unless we will permit him to enjoy the Chiefship of *Surat*, and will connive at his invading private persons properties, and at his drawing from the broker such sums of money as might otherwise be paid in part of his own large debt, Mr. *Lowther's* balance, which is swell'd, by some misapplication of the honourable Company's money, from about *Rupees* one hundred twelve thousand two hundred eighty, to near one hundred and sixty thousand principal, will, they say, be rendered quite precarious, or in plainer words, be entirely lost. This, indisputably, is what these gentlemen mean; for Mr. *Lowther* has proposed no other method of payment than a transfer upon the broker, who is more deeply indebted to our honourable masters than he can find assets to pay. Mr. *Draper* repeats but the proposal after Mr. *Lowther*, and this they would have us
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admit of a necessary and justifiable tender, before they produce an account, or any notes or bonds to shew the right Mr. *Lowther* has to make such a transfer ; but be that as it may, the broker has not shew'd us assets sufficient to pay, in any reasonable time, any part of his debt to our masters ; consequently, all they have hitherto said doth but demonstrate the necessity to be the greater for immediately removing of Mr. *Lowther*, to prevent his getting payment of the broker, which, as Chief, he would have it in his power to do, and our employers for ever remain unsatisfied. An instance of Mr. *Lowther's* inclination to this, we need not but look to the bills that were negotiated by *Jaggernaut* for twenty-five thousand *Rupees*, on the *Dilly Vakeel*, in *December* last, for payment of a private but long contested bill of his (Mr. *Lowther's*) to *Lolly-se Suncar*, and to save harmless, at our masters expence, his sureties (Messrs. *Robinson* and *Ramsden*) who are engag'd to pay it at a certain day, if these bills are not complied with.

As to the misapplication of the produce of the silk, of about forty-seven thousand *Rupees*, Mr. *Draper* hath heard the broker declare, that the amount was paid to Mr. *Lowther*. The broker at the same time urged, that Mr. *Robinson* told him he had orders to debt him on the *Surat* books for it. These books have been laid before this Board, and Mr. *Draper* might have seen therein, that the broker was debted for it under the 13th of *March* last. In most places this would appear a full conviction, yet Mr. *Draper* will not allow it, and desires to be excused from joining in the mild measures we have taken, until clearer proof is made. But can any better proof be had, or can any good reasons be given for Mr. *Lowther's* thus misapplying of the honourable Company's money, for which they pronounce immediate dismissal? And I entreat you, gentlemen,

gentlemen, to turn to the *Surat* letter of the 24th of *April* 1733, for Mr. *Lowther's* own sentiments, when he was but suspected of making use of the *Dilly* remittance for the discharge of his private debts. And will Mr. *Draper* continue to vindicate so bad a cause, and infer, that he who is a debtor to the honourable Company has a sufficient plea for being continued in the service? If that be allow'd, those who have no other merit to plead, will take care to run as deep as they can with their masters. But surely he forgets his duty to his employers, when he offers such arguments in support of his dissent, which in charity I will rather term a mis-timed zeal for a distress'd relation, whose interest he seems to have more at heart than his own.

The necessity of making an enquiry into Mr. *Lowther's* conduct, and consequently of suspending him, being so fully demonstrated, it will be troubling your honour, &c. too much to answer all Mr. *Draper's* objections; it will suffice, therefore, that I say, it is far from being material which of the members was deputed for that purpose. The impartial must agree, that it was very unfit that either Mr. *Lowther*, or Mr. *Draper* as a relation, should have any share in the management of the enquiry we have directed: but as we have the misfortune to be mistaken by Mr. *Draper* in this as well as in other matters, it is to be fear'd all of us will be term'd accusers and judges too, and that every step we can take consistent with our duty, will be esteem'd acts of pique and prejudice to Mr. *Lowther*: such, I know, is the partiality of a good many without doors.

It may with good reason be asked, what have the *Sciddees* affairs, or any the like commotions rais'd in *Surat*, to do with our changing of hands? And what are those pernicious consequences that are to attend public credit in general by Mr. *Lowther's* remove?

move? Mr. *Draper* would do well to explain himself, as a servant to the honourable Company, and a member of this Board. I am very sensible, and so is every impartial and thinking man, that Mr. *Lowther* did the last year give the most fatal blow to credit in general, by his memorable demurrer to his hand and seal, that could have been thought of: and it is much to be fear'd, nothing will so much shock the little remaining credit we have in *Surat*, as his being largely indebted to the natives and others there. Yet, as many have complain'd, and, if all be true, have even groan'd under the weight of his power, it is reasonable to believe, if our credit is not entirely gone, that his remove will be attended with some good consequences, and not those fatal ones he and his friends would insinuate: for I make no manner of doubt, when Mr. *Braddyll* hath finish'd his enquiries, there will be more instances than one to confirm what I now say, as well as to demonstrate that he hath not been the mediator and healer of those commotions Mr. *Draper* is pleas'd, in an unlimited manner, to stile him.

Is it possible for Mr. *Draper*, with any shew of sincerity, to mention the necessity of our being unanimous in our resolves, when he himself comes prepar'd to oppose all reasonable measures, as he did in the case of Mr. *Lowther*? Did not he declare some days before the enquiry was mov'd for, that he would come into none that tended to Mr. *Lowther's* discredit, or words to that effect? Did he mean nothing by this, or would he insinuate that we are mov'd by pique and prejudice, and thereby would endeavour to fix upon every member an epithet most applicable to himself?

Was Mr. *Lowther* true to his trust in permitting (some say in ordering) the brokers to pay off their *Buzzar* debts, after their father's death, without the least care of his masters? Or will the neglect
of

of his own concerns, be of any weight to excuse him in the neglect of his employers? No, we must not suppose it: I may add, there is not the least reason for it: because, in a letter of the 22d *ultimo* to this Board, the gentlemen at *Surat* write us, that before *Lolldass's* death it was very well known that his affairs were upon the decline. If it was so well known that the brokers affairs were on the decline, why did those gentlemen, from time to time, amuse the then President and Council, and abuse their employers by the false representations they made? And why was the *Buzzar* creditors paid off, and the honourable Company neglected? Surely, if the whole debt should prove irrecoverable, as it is to our certain knowledge now desperate, who will our honourable masters adjudge blameable? Those, most certainly, who have neglected and abused them; not those who are endeavouring to obtain a true state of their concerns, in order to retrieve their lost credit, and put their affairs in general upon a better footing. For these reasons I cannot agree with Mr. *Draper*, or others, that the loss of any part of this debt will be laid to our doors. On the contrary, I must repeat, that this late declaration is far from being consistent with many letters upon the registers, that the brokers would have a handsome capital after all their debts were discharged: and confirms me in the opinion I have long entertain'd, that there never was a sufficiency for the clearing off their debts, although we have been repeatedly assured to the contrary.

The resignation of the *Dilly* concerns in favour of the honourable Company, from which Mr. *Lowther* and his adherents would claim so much merit, when thoroughly examin'd into, will appear to be calculated for either side of the question, and may be said to be gathering of honey from thorns, since the letter from *Surat* of the 24th of *March* 1732-3

will demonstrate, that those concerns were the honourable Company's woollen goods, for which the broker had but a short time before entered into engagements with the President and Council, and to which Mr. *Lowther* could have no just pretensions, nor could he accept them without incurring the same censure as is due on account of the pre-mentioned silk-money, &c. unless he would have thrown up his trust; wherefore I am persuaded, the true reason to be given for his resigning of those concerns, if they were assign'd to him, is, that the brokers affairs, as they now say, were upon the decline, and that *Lollards* was unable to raise money by any other means, to comply with the orders of this Presidency, the knowledge of which must have been fatal to them both, yet it might have been the preservation of their credit, and that of the *English* in general, which, of late years, have been deeply wounded by several unprecedented actions of Mr. *Lowther's*, to which I wish this Board very shortly is not obliged to give a harsher appellation.

I shall not dispute Mr. *Lowther's* generosity; yet I sincerely wish the several instances to mankind in general, which Mr. *Draper* hints at, are not term'd by his creditors an unpardonable lavishness of their money, to raise to himself friends and followers. And as for that boasted unparallel'd piece of generosity to the honourable Company, it is fully remarked upon in a preceding paragraph, and appears to be the most genuine state of the case, if their own representations of facts, as they call them, are to be credited: for I well remember it was a crime to doubt of the abilities of the broker or chief; and I must appeal to the registers to shew, that every opposition to their measures was term'd a want of confidence, or something worse, and the opposers branded and defamed in all companies

panies and places, as enemies to the government, and the honourable Company's true interest.

If any true merit is to be got from rash and inconsiderate actions, Mr. *Lowther* may claim some share, in expelling of *Sorab Caun* from his government of *Surat*: but was the Company's dear-bought privileges and estate, and the lives and fortunes of many, to be staked to nothing? Could the *English* have ever hoped to have sat in *Surat* on the terms they now do? No, all would have been lost if the governor had prevail'd, and Mr. *Lowther* was only happy at that time in having a gentleman in power, who was too much concern'd in the quarrel to let him drop: It was for this reason (several may remember it) that more than ordinary pains was taken to support him, and to represent the case with the same pains to our honourable masters. Such pieces of merit may be pleaded among those who are strangers to the honourable Company's rules and affairs, and I may add, the interest of the *Suratters*; but, in my opinion, neither the *Europeans*, or the country people, will think themselves obliged for the change, when they find they are deprived of that refuge they formerly had in a castle governor, while he was independant of the city; but as one family, by this step, rules all, upon every dispute the governor of the city retires to the castle, and the merchants go unredress'd, or, at their own expence, compound all his quarrels, the civil tendency of which hath not yet been thoroughly felt: Wherefore, if Mr. *Dra-per* had founded his apprehensions of those dangers which threaten us upon the consequences of this action, I should have been ready to have joined with him; but all will agree, that he might very well have spared himself the trouble of mentioning the changing of one bad governor for another, and endangering our *Pbirmaunds* as a laudable exploit,

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as he might the pronouncing of Mr. *Braddyll's* information a heap of suppos'd and fictitious crimes and misdemeanors, before the truth and falsity of them is reported to this board.

*I am, with great respect,
Honourable Sir, and Sirs,
Bombay, Feb. Your most obedient and
28. 1735-6. Most humble servant,*

John Lambton.

N^o 10.

*Extract of the Consultation of the
29th of February 1735-6.*

THE President lays before the Board the letters receiv'd last night from *Surat*, which being read, he acquaints them that Mr. *Braddyll* had inform'd him, that in the execution of his commission of enquiry, interrogating Mr. *Robinson* concerning some of Mr. *Lowther's* transactions, he had refused answering him; and from thence having but little hopes of farther assistance from him, but the contrary, he had, pursuant to the powers given in his instructions, ordered him to repair to *Bombay*. And by the copy of their consultation we find, that upon this occasion Messrs. *Ramsden* and *Hamilton* refusing to act in their stations, the supervisor, &c. had ordered them also thither: the behaviour of these gentlemen being contrary to all rules and orders, and, if pass'd by without the proper notice, would encourage others to a total disregard

regard of our authority. The proceeding of the supravisor, &c. in ordering them hither, is therefore approv'd. But till their arrival, we shall defer coming to any farther resolution concerning them.

N^o II.

Extract of Mr. BRADDYL's Letter to the President and Council, dated Surat, February the 28th 1735-6.

Honourable Sir, and Sirs,

WE now enclose your Honour, &c. for greater security, copies of our two last letters under the 22d instant, n^o 1 and 2, as also our consultation of that date, n^o 3. Agreeable to our then resolution, Messrs. Ramsden and Hamilton are ordered down to *Bombay*, there to stand such censure as your Honour, &c. may judge they deserve.

We have now laden on the bombketch eight bales of stores, as *per* invoice and bill of lading inclosed, n^o 4. amounting to *Rupees* two thousand four hundred eighty-six, fifty-five *Pice*, for which we debt account current *Bombay*.

The sloop has on board fifty-eight bales and an half of the *Cambay* investment, as *per* account particulars accompanying this, n^o 5. but for want of a regular invoice from thence, we cannot ascertain the true cost and charges, tho' Mr. Bidwell has directions to satisfy us in these points.

Mr. Robinson, agreeable to the order receiv'd from

from the supravisor to that purpose, takes his passage on the sloop for *Bombay*, having first delivered in a protest, contain'd in a letter directed to the supravisor, &c. council, which is herewith enclosed for your honour, &c. perusal, nº 6. and likewise the supravisor's answer to his private letter therein mention'd, nº 7. upon which we are to observe, that Mr. *Robinson* has apparently done the supravisor injustice, in ascribing his removal to *Bombay* solely to what pass'd in the supravisor's chamber, which was indeed his reason for dismissing him from an attendance which he seem'd predetermin'd to disappoint the end of, and desiring him civilly to withdraw, which can by no fair means be explain'd into turning a gentleman out of the room; but the supravisor has declared, that he had other weighty and urgent causes for ordering him to *Bombay*, which being in course of the execution of his commission, and for which he is only accountable to your honour, &c. have no reference to this general advice.

But surely Mr. *Robinson* can with no tolerable grace complain of any ill manners shown him as a gentleman and a Company's servant (though we declare we neither know of, nor would approve of any) when he reflects on his joining with Mr. *Lowther* in the inhuman insults offer'd two *English* gentlemen, and strangers, at their first entrance into the *English* factory; the one a supercargo, on board of whose ship the supravisor arriv'd here; the other a Company's servant, sent by your honour, &c. and dispatch'd expressly by the supravisor with letters to Mr. *James Hope*, &c. factors; and that without the shadow of a provocation. Could there be a grosser or more flagrant affront or defiance offer'd to your honour, &c. or to the supravisor? And must he not suppose your honour, &c. insensible, not to resent

resent it? or even that alone a reasonable ground for the supravisor's procedure?

Messrs. *Ramsden* and *Hamilton* likewise take their passage on board the said sloop, according to your orders, whose conduct and behaviour on this occasion, we humbly and candidly submit to your honour, &c. judgment.

The supravisor having, as above, ordered Mr. *Robinson* to prepare for *Bombay*, the same day convened a Council, at which those gentlemen attending, they declared they would not take their seals till the supravisor should satisfy them by what authority he had proceeded against Mr. *Robinson*, without their privity or concurrence. To the which the supravisor answer'd, that they had heard his commission openly read, and that his powers being immediately derived to him from his superiors at *Bombay*, he was under no obligation to communicate the matter of his instructions to them, or any one, and the tenour of his commission directed their obedience, which was all he required, and not their concurrence to this step. Upon which Messrs. *Ramsden* and *Hamilton* resign'd their seats at the Board, and the next day gave in a protest, enclosed herewith, N^o 8. on which we take leave to make the following brief remarks.

This paper contains little more than a florid declamation against the supravisor's authority, and an open contumacious arraignment of your honour, &c. for delegating the same, as repugnant to the standing orders of our honourable masters, and to the rule of government established by them: and your honour, &c. will do the supravisor the justice to observe, that so far from those gentlemen having this short choice left them, to comply or be undone, as is insinuated in their protest, that he did not request their compliance at all, or indeed any thing of them (as they themselves must confess) in-

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consistent

consistent with the most scrupulous discharge of their consciences : on the contrary, he positively and candidly assured them, that he should encourage any marks of regard and respect paid to Mr. *Lowther*, with all other personal friendships, where they did not interfere with the honourable Company's interest and service ; at which time Mr. *Robinson* was pleas'd to take upon him to answer for them, that their inclinations rendered that admonition needless, and that for his part, he should continue to support him, without minding the frowns or smiles of any one.

If then these gentlemen have preferr'd a factious adherence, and a rebellious desertion from their posts in the service, to the duty and submission they owe to the authority of our honourable masters, it is purely their own fault, and we hope your honour, &c. will duly weigh of how dangerous a consequence and example this defection, pass'd by without censure, may prove ; and when this leaven of faction is extirpated, and the service thoroughly purged of such as shall suffer themselves to be corrupted and misled in this manner, we hope the honourable company will not feel the want of such servants as can, without any motive but personal attachment, abandon the service of our honourable masters, whose bread they have eat so long ; and surely there still remain gentlemen of worth and abilities, to fill up their vacancies, that are proof against the low cajolery, the airy promises, and the meanest arts, which may be used to seduce and pervert their understandings or honesty.

The invasion of property, and the infraction of the liberty of the subject, appear (in the several papers past on this occasion) very unmeaning and insensible words, as we know of no property the supravisor has invaded, nor no liberty he has infring'd, without they mean that of abusing any longer

longer the honourable Company's interest and estate, and spurning the authority that calls them to an account for it: nor can we concur with those gentlemen, in esteeming their seats to be held on a wretched and precarious tenure, when doing their duty, and a reasonable submission to their superiors orders, appear the only hardships imposed on them, even by their own account.

N^o 9, is enclosed a letter received from Mr. *Lowther*, directed to the supravisor, &c. council, wrote in such a frantic, desperate stile, that we have not thought fit to treat it so decently as vouchsafing an answer to it. Amongst a number of injurious reflections and personal abuses, we shall only select one, that is notoriously false, and design'd to destroy the credit of an enquiry which the supravisor has carried on with the greatest candour and moderation, viz. "That the supravisor privately interrogates evidences to fulfil his wicked designs, some with large promises, others are threatned with his present authority, if they don't give such answers as are satisfactory to his purposes."

We can safely join with the supravisor in declaring, that the merchants are so far from wanting threats or promises to induce them to appear against Mr. *Lowther*, that they look on themselves as on the point of being delivered from his oppressive sway and exactions, which have so long fetter'd the liberty of their commerce, and they have long wish'd for an opportunity to vent their complaints and seek for redress; nor has a report industriously spread here, (the author of which we cannot precisely name) that Mr. *Lowther* was to be governor of *Bombay* in a few months, gain'd credit with one single man, except just with his creatures, whose interest it is to believe it. And we can safely affirm to your honour, &c. that had not an immediate stop been put to that gentleman's conduct, it

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would

would, perhaps, very soon been as dangerous, as it is already shameful, to pass for an *Englishman* in *Surat*. Such havock has been made of the credit and honour of our nation!

Your honour, &c. will however (we hope) be entirely satisfied with the final result of all the supervisor's enquiries, which have not been retarded by all the obstacles that could be possibly thrown in his way. The thorough disaffection of the whole factory, which seem'd to have shaken off its dependance on your honour, &c. and all the contempt and slight that could be shown his commission, and consequently your authority, have, without provoking him to any heat or resentment, only serv'd to excite him to pursue the most steady and vigorous measures for reforming the disorders of this settlement, and retrieving the credit and honour of the *English*, so visibly impair'd; and we therefore do not doubt of your honour, &c. supporting him strenuously in steps so necessary and important to the honourable Company's interest and advantage, and not permit his character (whilst he has the honour to employ'd in so great and nice a trust) to be treated in that scandalous manner by Mr. *Lowther*'s impotent rage and despair; neither are we in the least diffident of your honour, &c. seeing the necessity of clearing up openly his infamous accusation of the honourable the President, relating to the supervisor, which we duly ascribe to a shallow, wretched artifice, to disunite, and consequently weaken the hands of those employ'd in the discovery of his guilt and ill practices.

We have stated, to the best of our judgments, Mr. *Lowther*'s account current, from the 31st of *October* last to the 22d instant, made up with interest on both sides, N^o 10. the balance that day (as taken from the books of this place) amounting to *Rupees* eighty four thousand eight hundred and three

three, forty-seven *Pice*: said accounts, N^o 10. come in this packet for your honour's, &c. approval, though he would not sign the counterpart, or give us a bond for the balance.

We have not debted Mr. *Lowther* for the amount of *Vendrayan Loljee's* lead, one hundred and forty slabs and twenty-four pigs of it, weighing four hundred twenty-two *Pucca Maunds*, eleven seers, and one quarter, still remaining in our *Latty*, which the warehouse-keeper has directions to stop; and on hopes that are given to us that said *Vendrayan* will be shortly in town, we defer stating his account till then, when we shall know what ready money he may be able to raise.

The supravisor acquaints us, that *Samboodass*, the shroff, had frankly declared unto him, that he receiv'd in the month of *March* last, from the merchants who bought the raw silk, (*per King William*) forty-six thousand *Rupees*, in part of that sum which he had, by Mr. *Lowther's* particular order, carried to his credit, and applied to his particular services, which does appear to us a downright misapplication of so much of our honourable masters ready money; and why Mr. *Lowther* should not be debted for this sum, and the brokers credited, seems but too plain a case; however, we shall wait your honour's, &c. orders concerning it.

Having proceeded thus far with our advices, Mr. *Lowther* just now sent us in the inclosed invoice an account current, N^o 13. from Mr. *Bidwell* of *Cambay*, the balance of the latter being *Rupees* three thousand three hundred sixty-two, thirteen *Pice*, we shall not remit him, till we see whether or no your honour, &c. make any deductions on the goods provided by him.

Your honour's, &c. commands, under the 19th instant, were just now deliver'd us by two *Pattamars*,

mars, that came from *Damaun* hither without any interruption.

We omitted to acquaint your honour, &c. that Mr. *John Robinson* refused to sign our respects to your honour, &c. of the 22d instant in the morning, without giving us any reasonable excuse for so doing, though there was nothing mention'd therein that might give him any umbrage for such a proceeding.

N^o 12.

Mr. ROBINSON's Letter to the Supravisor, &c.

To JOHN BRADDYLL, Esq; Supravisor, &c. Council.

Sir, and Sirs,

AS I was yesterday excluded my right from sitting at your board, and am also ordered (after delivering over my charge of the *Latty* to Mr. *James Hope*) to repair forthwith to *Bombay*, and this by the sole authority of the supravisor, without being in the least communicated to you, I now take the liberty to inform you of every thing that pass'd between Mr. *Braddyll* and myself on this occasion, and then make some remarks thereon; all which I desire may have a place in your registers. This I send enclos'd to your secretary Mr. *Daniel Taudin*, desiring him to deliver it you.

Yesterday morning Mr. *Braddyll* sent for me, and after some discourse pass'd, he, in a very peremptory and hasty manner, turn'd me out of his room;

room ; an action I little expected from him, either as a supravisor or a gentleman ; upon which I wrote him the following letter, reciting what had happen'd, and desiring an explanation of his last words.

To JOHN BRADDYLL, Esq; Supravisor.

S I R,

“ AS you were pleas'd to call me before you
“ this day, and treated me in a manner which
“ wants an explanation, I shall first take the liberty
“ to recite what pass'd in your chamber, and then
“ request the favour of an explanation of your
“ words to me.

“ On my coming into your room (Mr. Cleland
“ attending at a desk with pen, ink, and paper, to
“ take examinations, as I humbly imagine) you
“ were pleas'd to ask me to sit down, and then began
“ to question me relating to Mr. Lowther's affairs ;
“ but I modestly required you first be pleased to
“ answer me one question, namely, *If I was oblig'd*
“ *to answer you alone, or join'd to your council ?* By
“ which I only meant to be inform'd, if such a
“ power, as is not usually lodged in any single per-
“ son, namely, of examining a member of coun-
“ cil, without the presence or knowledge of the
“ rest, was invested in you by the honourable the
“ President and Council of *Bombay* ? And I declare
“ it to be in no sense a refusal to answer the que-
“ stions you should after have put to me ; but in
“ this you positively refused to give me any satis-
“ faction, commanding me to answer all such que-
“ stions you should ask me ; upon which I replied,
“ I must be excused, until you first answered my
“ question ; which you again refused, and in a
“ peremptory

“ peremptory and hasty manner ordered me down
 “ stairs, saying, [There is no further business for you.
 “ I now come to desire the explanation of these
 “ last words, if thereby you declare that I am no
 “ longer in the honourable Company’s service.

I am, Sir,
Your most humble servant,

Surat Factory,
Feb. 22d. 1735-6.

See Mr. Braddyll’s answer to Mr. Robinson’s first letter, entered hereafter.

Mr. Braddyll was pleas’d to answer my letter, confirming the representation I therein made, and for the explanation I required, he sent me the following answer.

To Mr. JOHN ROBINSON.

S I R,

“ **I** Ntending to dispatch the sloop in a few days
 “ to *Bombay*, you are hereby order’d to get
 “ yourself in readiness to embark on board her for
 “ that place; and to deliver over the charge of the
 “ *Latty*, with all books, papers, &c. belonging to
 “ that or any other trust in the honourable Com-
 “ pany’s affairs in *Surat*, to Mr. *James Hope*; and
 “ to prepare an inventory immediately on receipt
 “ of this, to be sign’d by you both, and deliver’d
 “ to me.

I am, Sir,
Your humble servant,

Surat Factory,
Feb. 22d. 1735-6.

John Braddyll.

I shall obey this order, as it will give me an opportunity to appear before the honourable the President and Council, to whom I shall give a very fair and candid account of every thing I know relating to Mr. *Lowther's* affairs: this is agreeable to my own and Mr. *Lowther's* inclinations: besides, before that honourable board, I do not in the least doubt of being heard with patience, nor do I expect to be brow-beaten, or ill used in the manner Mr. *Braddyll* has so done! For this reason only do I obey an order, which to me appears unreasonable, illegal, and to establish a power destructive to the liberties of an *English* subject. For can the asking a modest question be deem'd a sufficient reason for taking away my right, invading my property, turning me out of an employ which, I hope, I have deserv'd by a ten year's faithful service? Will not the doing all this, without alledging the least crime against me, be, by all impartial men, judg'd most illegal? Shall Mr. *Braddyll's* sole will be a law to me? When I protest and solemnly vow, had he but vouchsafed to acquaint me in his orders, that they were agreeable to his instructions given by the honourable the President and Council, I should not only have obey'd them more readily, but with greater satisfaction than I now do. To what an unhappy state then are our liberties reduced? If the sole will of a supervisor shall thus garble your board; if he can thus condemn and deprive a member of your council, without the consent of his peers and fellow-servants, alas! our liberties are no more: and I hope I shall be the last example (as I dare say I am the first) of this kind. For these reasons, and many others that I could relate, I do protest against you, *John Braddyll*, Esq; for this unreasonable and illegal proceeding, by which not only I am depriv'd of my right, but my credit in this place entirely blasted, and therefore I do declare the said *John*

Braddyl answerable for all damages, losses, charges, &c. that may accrue to my private fortune on this unhappy occasion.

I am, Sir, and Sirs,
Your most obedient and
Most humble servant,

Surat, Feb.

23. 1735-6.

John Robinson.

N^o 13.

Mr. BRADDYL's Letter to Mr. JOHN ROBINSON.

To Mr. JOHN ROBINSON.

S I R,

IN answer to your letter just receiv'd, I shall first allow that you have not unfairly represented what pass'd in my chamber, which was little more than my beginning to put questions to you, which you declin'd answering, till I should previously have answer'd yours concerning my authority to interrogate you: to which I could give no reply so decently as desiring you to withdraw.

As I am only responsible for my procedure on the executing my commission, to my superiors at *Bombay*, I shall take leave to avoid entering into any expostulations here on the reasons of my conduct. The treatment the governour's commission has met with, in every mark of slight and neglect that could be put upon it, and the general preference

rence I see given of personal regards to the service and interest of our honourable masters, will sufficiently shew (where I alone desire it should) the necessity of a procedure I certainly brought with me an inclination very contrary to : for the rest you require is contain'd in the orders you'll receive from me in the quality of supravisor.

I am, Sir,

Surat Factory,

Feb. 22, 1735-6.

Your most humble servant,

John Braddyll.

N^o 14.

*Messieurs RAMSDEN and HAMILTON
their Protest against the Supravisor.*

HAVING refused yesterday to take our seats at the board, by reason of the exclusion of Mr. *John Robinson* from the council, without the consent, or even privity, of the rest of the members; and having humbly requested that sufficient cause might be shewn, not only for such exclusion from the board (where we apprehended he had a right to sit as a member) but also for his suspension from the honourable Company's service in *Surat*; both by the sole authority of the supravisor, *John Braddyll*, Esq; and having receiv'd no satisfaction in this our modest and reasonable request, we shall now make it our business, according to the rule prescrib'd by our honourable masters, to digest and put in writing such reasons as we before urg'd against the legality of this proceeding, as well as such others as

may arise from the subject before us; that the same may be entered in your registers, and appear as an evidence of the clearness and sincerity of our intentions.

And first, we cannot but have the firmest persuasion in our own hearts and consciences, that such a proceeding as the depriving any member of his right to sit in council, by a meer act of authority, (from whence derived we know not) and without even the shadow of an accusation, is setting up a precedent of a most dangerous and formidable nature; a precedent! which if pursued, in after-times may open a way to violence and arbitrary power, that like a torrent, will, perhaps, o'erwhelm all that comes in its way, and bear down in its course all manner of resistance: nothing will then be so pernicious in it self, or so destructive to the interest of our honourable masters; no point so injurious to the rights and privileges of our fellow-servants, ourselves, or successors, as may not easily be carried against all opposition, should it ever happen in time to come (which God forbid) that an ambitious or ill-designing man be placed at the head of affairs, who by garbling his council may adapt and model it to his own corrupt will: and then how unhappy would be the fate of conscientious men in our stations? On how wretched and precarious a tenure would they hold their seats, when they have only this short choice left them, to comply or be undone?

Another obvious reflection which occurs to us is this, that as the honourable president and council of *Bombay* have been pleas'd to join us as a council to the supravisor, and accordingly have directed their commands to him and us jointly, we do not see how we can answer to their honourable board, the same resignation of so great a part of our privileges; or to ourselves, a quiet submission to such
unpre-

unprecedented treatment. Sure we are, neither the honourable president's commission to the supravisor, nor the commands of him and his council to us, invest the supravisor with any such authority, absolutely repugnant to the standing orders of our honourable masters, and the rule of government established by them. How then are we to know that such full powers are lodged in the supravisor? Are we to take it upon trust (tho' he should have asserted it, which he did not vouchsafe to do) contrary to the constant usage of former times, nay, even unwarranted by the honourable president and council, either in the commission or their last commands? Shall we recognize such a new and unheard-of power, as tends to the immediate overthrow of that gentle and good government established among us, without a question? On this occasion we are full of confidence, that the honourable the president and council will be far from being displeas'd with this scrupulous discharge of our consciences, and this we solemnly aver to be our only spring of action: nor do we doubt of being justify'd likewise to the impartial part of mankind in general. As to the honourable president and council, their commands above-mention'd enjoin us to be respectful and obedient to the supravisor as such; and also to be assisting to him, to the utmost of our capacities, in the discovery of any male practices committed by Mr. *Lowther*; we appeal to the Searcher of hearts, if we had any other intentions; which we were ready to have evinced (when call'd upon) by a faithful and true recital of all that we knew relating to Mr. *Lowther's* affairs. But whether or no these commands avow any such authority as Mr. *Braddyll* has been pleas'd to exercise, we leave to the impartial to determine.

Thus

Thus have we endeavoured to discharge our duty both to our superiors and to ourselves, by a candid relation of the several reasons that prevail'd with us on this remarkable occasion; for which, and for sundry others we could recite, we do protest against *John Braddyll*, Esq; on behalf of our honourable masters and ourselves, for all damages that may accrue to them in any of their affairs, by this his violent and irregular proceeding.

Dated in *Surat* factory, the 23d day of *Feburary*, 1735-6.

Sign'd,

James Ramsden.
George Hamilton.

No 15.

Mr. LOWTHER's Protest.

To *John Braddyll*, Esq; Supravisor; Mr. *James Hope*, *Daniel Taudin*, and *John Cleland*, of Council in *Surat*.

Sir, and Sirs,

I wrote you yesterday, and I suppose my letter was communicated, as address'd, to your board, though Mr. *Braddyll* took upon him in the afternoon to answer it apart in the quality of supravisor; adding, that he is accountable alone to his superiors at *Bombay* for so doing.

To this first part give me leave to answer, that I shall ever pay an implicit obedience to their commands, when you all give it me under your hands
that

that he is invested with the authority he assumes ; of which I shall have occasion to say more in the sequel of this, after first repeating some other passages in the same letter.

Mr. *Braddyll* proceeds to tell me, " That I have
" been misinform'd in the point of his giving in
" a charge against me to the governor and council,
" though frankly confesses, that the private reasons he assign'd to the board of *Bombay*, as a
" member of the council, for not concurring any
" longer in leaving me in any trust in the service,
" were thought weighty enough to demand his
" present commission of enquiry from the governor, &c. council." Does not this make him a party concern'd ? Gentlemen, lay your hands upon your hearts, and weigh these words of the supravisor impartially. This done, Mr. *Braddyll* proceeds to explain some expressions in my address to your board, namely, " That I look upon this unheard-
" of proceeding as an odious prosecution ; nor does
" he understand what I mean by an absolute and
" unbounded power, since he professes an entire
" submission to his superiors at *Bombay*."

In answer to these reasons, give me leave to say, that I am more and more confirm'd in my first sentiments, and may venture to affirm, that since he himself acknowledges " That the reasons he
" gave the honourable the president and council at
" *Bombay* obtain'd his present commission ; " consequently, he can never be the proper person to make any further examination into my past conduct.

At last Mr. *Braddyll* concludes, " That the result of his enquiry will be the foundation of my
" charge before my superiors at *Bombay* ; and farther insists on receiving no further trouble of
" this nature."

Now

Now, gentlemen, give me leave to add my further reasons, why Mr. *Braddyll* ought not to be the person employ'd in so nice and delicate a point, as where the reputation of any gentleman lies at stake; and to make these my reasons have the greater weight, I find myself indispensibly obliged (tho' most unwillingly) to lay open to you my private conversation with the honourable *John Horne*, Esq; president of *Bombay*, who not only frequently declared to me, that the said man was "A man of base principles, a notorious liar, my inveterate enemy," but added, "That in case I was ever removed from *Surat*, he should never supply my place." After such an open declaration (never once asked) can I be censur'd for protesting against the said Mr. *Braddyll* on this occasion?

I shall now add another reason I have to urge, That the said Mr. *Braddyll* is privately interrogating evidences to fulfill his wicked designs; some with large promises, others are threatned with his present authority, if they don't give such answers as are satisfactory to his purposes. These unheard-of practices, contrary to all laws in being, obliges me to protest against the said Mr. *Braddyll's* management, as a subject to the King of *Great Britain*, whose subjects are so deeply concern'd in the *East-India* Company's commerce abroad, for all damages that shall accrue to them or my own private fortune, and also for the great prejudice my creditors in *Surat* may sustain, and consequently the *English* reputation in general. And I demand that all letters, &c. that pass between myself and you on this occasion, may stand recorded at full length in your registers, as so far I think myself highly injured, that I shall never drop my present persecution till I have obtain'd reparation from the legislative power of *Great Britain*, where it is possible your present enquiry may be thought better calculated

calculated for the limits of an inquisition, than for any free-born subject of *England*, whose wholesome laws have their source from equity, and consequently are equally and impartially distributed to the poor and rich.

I am, Sir, and Sirs,
Surat, Feb. Your humble servant,

22d. 1735-6.

Henry Lowther.

N^o 16.

*Extract of the Consultation of the
8th of March 1735-6.*

THE president, after taking notice of the ungenerous and base advantage Mr. *Lowther* would lay hold of, by exposing what pass'd in private conversation, admitting it was true, does now positively deny that he ever told Mr. *Lowther* that Mr. *Braddyll* was a man of base principles and a notorious Lyar; nor does he remember saying, that in case of Mr. *Lowther*'s removal from *Surat* Mr. *Braddyll* should not succeed him: he acknowledges he might have said Mr. *Braddyll* was Mr. *Lowther*'s enemy; but on the whole does affirm, that what Mr. *Lowther* has asserted in regard to the two first articles, is a scandalous falshood; and the president declares, he never heard that any of Mr. *Braddyll*'s worst enemy's ever accused him of any particular acts of dishonesty, which he esteems sufficient to shew the improbability of his holding such discourse with Mr. *Lowther*.

N^o 17.

*Extract of a Letter from Governour
HORNE to Mr. BRADDYLL, dated the
29th of February 1735-6.*

I Don't in the least doubt but you will do every thing in your power towards giving entire satisfaction relating to the enquiry you are now making, and I believe you will soon be furnish'd with materials sufficient to prove Mr. *Lowther* has been guilty of much male-conduct towards private people, as well as a breach of trust to his employers.

I am really aham'd of the reception Messieurs *Cleland* and *Williamson* met at the factory, as well as the disrespect that was paid to you, wherein they could not be ignorant, but they did at the same time offer an insult to my commission and the Company's authority, of which I have taken notice in our general letter, though not in so severe terms as their ill manners deserves. But whatsoever these gentlemen may think, such mean artifices will only retort ridicule and shame on the authors.

I don't know how Mr. *Lowther* may have adjusted his account of lead, but I cannot easily believe *Jaggernaut* would have told us *Vandrayan Lolljee's* was sold to him, if he had not been certain of it. But I am to remark Mr. *Lowther* has since receiv'd 150 *Pucca Maunds* of lead, which was returned from *Bussorah* on the *Carolina* (wherein I am half concerned;) and I wish this parcel may not have been applied to make up the quantity he has since delivered to Mr. *Hope*; and 'tis not unlikely he may also have got some more from other people,
after

after he heard what the broker declar'd, to complete the amount of *Vandrayan Lolljee's*, which on enquiry, perhaps, you may discover.

I understand Mr. *Lowther* pretends to justify his misapplying the silk-money by a letter of mine, dated at *Parell*, which he has preserv'd for that purpose, tho' I find I have not kept a copy of it. But I remember, a day or two before he deliver'd into council the paper relating to Mr. *Phipps*, which was dated the 22d of *August*, he wrote me a letter, wherein he enclos'd that paper for my perusal, and at the same time desir'd leave to lay before the board his accounts relating to the money he pretended he had advanced towards carrying on the investment, and requested he might have credit with the Company for the balance due to him: to which I replied, in a very friendly manner, That, in my opinion, it would not be proper to lay those accounts before the council, as by them it would appear the whole affair had been manag'd by transfers, which would not look well in him: and besides, as the Company had already advanced more than the investment amounted to, I could not answer paying any further sum. To which I believe I added, If he really had a demand on the Company, he had better repay himself out of the silk-money, which the broker had receiv'd. But I declare, I had not at that time heard this money had been before paid to Mr. *Lowther*; and surely no one but himself would have the assurance to pretend, that the latitude I gave him in *August*, for receiving from the broker what might be due to him on account of the investment, could authorize his applying double that sum of the Company's money to his own use, five months before I knew any thing of the matter. But it shows the baseness of the man, in making use of my friendly advice to do me a prejudice; and looks as if he had wrote the

letter purely with an intent to insnare me ; and I not then knowing he had before receiv'd the money, nor suspecting he had any such ungenerous design, perhaps, answer'd it in too unguarded a manner. Though I am sure, no man of candour will say my letter in *August* can justify Mr. *Lowther's* misapplying that money the *March* preceding ; but on the contrary, such an attempt in him must draw on him the reproach and contempt of all honest and impartial men.

I am further to observe, that the general letter which cover'd the broker's account, wherein he is debted for the silk-money, is dated the 22d of *August* ; and I believe mine to Mr. *Lowther* was not wrote till the 19th or 20th of that month ; and therefore could not possibly have reach'd Mr. *Robinson* in time to frame that account from ; or if it had, it could only warrant his debting the broker for the balance of the investment, which did not amount to half that sum. But if this affair had been honestly conducted, the cash would have been regularly debted for the amount of the silk the 13th of *March*, when it was receiv'd ; and if afterwards on receipt of my letter they had credited the cash by the account of investment for the balance due thereon, they might have had something to plead in their behalf, which, as the case stands, they have not ; for they cannot pretend the broker bought the silk on his own account, because it is mention'd in their consultations to be sold to the very person he mention'd : And therefore, in my opinion, the mighty hopes they have rais'd of throwing an odium on me in this affair must vanish ; and, I believe, it will only reflect disgrace and infamy on the base contrivers ; though I understand Mr. *Cowan* is going home over land, to be the carrier of this important letter,

When

When you examine Mr. *Robinson* about the orders he said he had received on this account, pray let him produce them, and take notice what time they are dated, which will fully discover the vileness of this intrigue.

I observe in the *Surat* consultations, when the cash account is pass'd, the balance is said to be remaining in the *Shroff's* hands ; therefore it will be necessary to examine him, and his accounts, whether or no he had such sums in his hands, and to see that they were duly brought to the Company's credit on his books.

I am sorry to observe there is so great a disaffection among the gentlemen at *Surat*, but I hope the steps you have taken will put an effectual stop to it. And though I am naturally averse to harsh measures, yet if they will by their opposition force me to use them, they can blame themselves only for the consequences.

When Mr. *Robinson* comes down, I shall examine him in council about crediting the broker on Mr. *Lowther's* private books for 46000 *Rupees* for the 65 bales of silk. I intend likewise to demand Mr. *Ramsden's* reasons for debting the broker for it in the Company's books ; and I shall require their answer on oath.

I have perus'd Mr. *Lowther's* letter to you, wherein I cannot but take notice, that he not only disregards our authority here, but even excludes our masters from judging in a case which immediately concerns their own servants only. And as I have reason to believe his employers will not be pleas'd with his appeal to the King in council, I have some thoughts of sending a copy of it home.

Nº 18.

*Extract of a Letter from Governour
HORNE to Mr. BRADDYLL, the 11th
of March 1735-6.*

AS I do not desire either Mr. *Hope*, or any one else, to declare any thing more than the naked truth, and plain matter of fact, I do not see why he can't give his information during Mr. *Lowther's* stay there; though I don't know but I may very shortly come to a resolution to recall him; but the gentlemen I have to deal with, are with much difficulty to be prevail'd on to come into any measures seemingly harsh against him, though they appear absolutely necessary; and Mr. *Draper* in particular has taken up a good deal of my time in making remarks on what he calls arguments for supporting his reasons for dissenting; but how weak ones they are, you will see on your arrival here; and I believe what I have just now finish'd will pretty well silence him, and prevent his giving me any further trouble of that nature.

Nº 19.

*Mr. DRAPER's Arguments to support
his Dissent.*

AS the reasons I set forth in my dissent against the manner of enquiry into Mr. *Lowther's* conduct, as well as those for my exceptions to our
letter

letter to the honourable Court of Directors, would appear to be well or ill grounded, when the said enquiry, and the manner of it, should be compleated, I little expected I should have had any further occasion for troubling this board, which I now find myself under a necessity of doing, by offering the following arguments to support my dissent, in answer to the president and Mr. *Lambton*, their remarks upon it; nor indeed should I have undertaken this task, had not the president's remarks been attended with others (seemingly severe ones) from Mr. *Lambton*, by the way of recrimination upon myself.

And that I may take up as little time as possible in doing it, I shall not proceed in giving a distinct replication to each of the said remarks, only where the sense and arguments of the one are not connected with the other; that thereby such false reasoning (if any there be) may appear the more conspicuous to our honourable masters, who alone are the most competent and impartial judges of them, as well as the rewards or punishmens they may think due to him, who is now become the subject of these debates.

I think the president and Mr. *Lambton* pretty nearly agree in their reasons, to invalidate what I set forth in my exceptions, that with the sums Mr. *Lowther* had already made good from the time of contracting his original debt, I apprehended he had so far decreas'd it, as to make his balance now due about eighty-thousand *Rupees*; only there is this difference, that whereas the president makes his balance to be but one hundred twelve thousand two hundred and eighty *Rupees*, Mr. *Lambton*, by tacking (as he terms it) some misapplications of the honourable Company's money (meaning, I suppose, the produce of the raw silk) has swell'd it to near one hundred and sixty thousand *Rupees* principal,
and

and they both make mention of *Rupees* one hundred and twenty thousand, being the amount of the bills drawn on him by governour *Cowan*, which becoming due in *March* and *April* following, do not thereby seem to be part of his original debt; or that by including so large a sum in the account of the whole, it might appear to be too immense for him to make good in the most calamitous times in *Surat*. But notwithstanding these artificial means to obscure the truth, it is nevertheless true, that with the sum aforementioned Mr. *Lowther* has actually decreas'd his debt *Rupees* two hundred seventy-eight thousand two hundred forty-six, and fifty-two *Reas*: For the truth of which I appeal to the total amount of last year's investment, and the other exceedings made good by him to compleat this sum, which will sufficiently appear in the *Surat* letter of the 12th of *December*, wherein the chief and factors particularly point out the sundry sums he had and would pay towards it, as well as the ways and means he propos'd for discharging the remainder. But here I will admit all that the president and Mr. *Lambton* has, or can set forth on this head (except the fraudulent misapplication of the sum of *Rupees* forty-seven thousand eight hundred and eighty, six *Pice*, which the latter prejudices him to have been guilty of before he is heard) and suppose his balance to be as the president has stated it, one hundred twelve thousand two hundred and eighty *Rupees*; is that any reason why Mr. *Lowther* should not make it good, in the manner he, in conjunction with the factors, have promised he would? when at the same time I see *Jaggernaut*, the honourable Company's broker, (indebted to them four lack of *Rupees*) return'd again to his post in credit; and Mr. *Lowther*, because he cannot immediately pay down upon the nail his trifling balance (for so I must call it in comparison of the broker's) pull'd to pieces,

pieces, his integrity and capacity to make it good question'd, nay, and even this made one of the principal handles for dismissing him from his post, when the other (I mean the broker) who, as Mr. *Lambton* allows, is as little capable of giving us any hopes or certainty, that he will hereafter make good the whole, or any part of his debt, as Mr. *Lowther*; and surely he is entitled to our forbearance, at least equally with the other. But Mr. *Lambton* is so far from shewing this charitable disposition, says in plain terms, "That as the broker has not shew'd
" us assets sufficient to pay, in any reasonable time,
" any part of his debt to our masters; consequently,
" all they have hitherto said doth but demonstrate
" the necessity to be the greater for removing
" Mr. *Lowther*, to prevent his getting payment
" from the broker, which, as chief, he could have
" it in his power to do, and our employers for ever
" remain unsatisfy'd." This uncharitable way of reasoning in Mr. *Lambton*, is grounded on Mr. *Lowther*'s having proposed no other method for payment of his debt to the Company, than a transfer on the broker, who because he is indebted more to our masters than he can at present pay, and Mr. *Lowther* has not produced any account, notes, or bonds, demonstrating that he has a right to make such a transfer, from thence infers, that it ought only not to be excepted, but seems to question whether the broker is any thing indebted to Mr. *Lowther* or not; and goes on to heighten these aggravations in a manner so ungentlemanlike, that I forbear the mention of them in this place. I must, however, take occasion here to declare, that the broker has several times told me, that he was indebted to Mr. *Lowther* near three lack and eighty-thousand *Rupees*; and he likewise told me, that he had confessed the same to the honourable president. And sure I am, that by Mr. *Lowther*'s having thus given the bro-

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ker so extensive a credit, with a view of promoting his masters interest, (and who only have and will reap the advantage of it) is now, by the use that seems to be made of it, in some danger, poor gentleman! of finding it end in his utter ruin. And this board, even so lately as in *August* last, had so thorough a sense of Mr. *Lowther's* having thus supported the broker, that it was then represented to our honourable masters by the *King William*; in which advices their depending concerns were (as well as I remember) set in the clearest light: To which letter and paragraphs 144, 145, 146, and 147, I desire to be referr'd. And as I am now upon this subject, and find matters push'd to these surprizing extremities, I think myself obliged to declare, in justice to my friend, which otherwise I would not do, that afterwards, in *October*, before I went up to *Surat*, once on my having some discourse with the honourable president on this subject, he told me, in the very room in which we now sit, that he could not but blame Mr. *Lowther* for neglecting the opportunity of securing his debt from the broker, when he had it in his power so to do. Meaning, I presume, his having relinquish'd so large a sum, which his deceas'd father *Lolldas* had before assign'd over to him at *Dilly*: further adding, that by this step he was in danger of losing his whole fortune, which was a very good one; or words to this effect. And to make it unquestionable, that such concerns were assign'd over to him, I appeal to the following paragraph in the *Surat* letter of the 22d of *January*, and the copies of sundry paragraphs in Mr. *Lowther's* letters to Messrs. *Deane*, &c. mentioned therein.

“ The great debt due to the Chief from the
 “ brokers, was contracted before the decease of
 “ *Lolldas*; who being press'd to discharge it, assign'd
 “ over to Mr. *Lowther* his concerns at *Dilly*,
 “ the

“ the prime cost whereof amounted to near three
“ lack ; and in *April* 1731, Mr. *Lowther* advises
“ Messrs. *Dean* and *Stackhouse* of remitting, by the
“ *Dilly Vakeel*, eighty thousand *Rupees* before the
“ last of *July* 1731, as more fully appears by the
“ enclosed copies of sundry paragraphs taken out
“ of his letter-books, mark'd N^o 1. and in *June* he
“ advises Mr. *Dean* he shall remit him one lack
“ more before the end of *September*, all which was
“ to be brought to Mr. *Lowther*'s credit, as appears
“ by the enclos'd paper, N^o 2. But in *July* fol-
“ lowing, the *Ockham* arriving from *England* with
“ orders to remit a large sum to *Bengall*, on the
“ Company's account, the Chief did then volunta-
“ rily resign his right to the said concerns at *Dilly*,
“ and ordered the sundry sums he before intended
“ on his own account, should be receiv'd on the
“ Company's, as per the enclos'd N^o 3.”

I agree with Mr. *Lambton*, that I heard the broker declare the amount of the raw silk *Rupees* forty-seven thousand eight hundred and eighty, and six *Pice*, was paid to Mr. *Lowther*, and that Mr. *Robinson* told him he had orders to debt him on the *Surat* books for it ; but as I am not thoroughly master of the reasons Mr. *Lowther* may have to offer for this transaction, I must suspend my judgment upon it till I hear that gentleman's defence, and in the interim content myself with repeating what I still am of opinion, that if upon examination it does appear Mr. *Lowther* has applied this sum to his own use, I make no manner of question but he can give very good reasons for having so done ; and therefore, until this matter had been more narrowly and cautiously inspected into, I think it was proceeding in too hasty a manner, to make it one of the articles of accusation against him, and which I cannot allow to have taken place in so mild a manner as Mr. *Lambton* insinuates, (which I shall

endeavour to demonstrate in another place) nor can I allow what the president, with him, are pleas'd jointly to assert, as my opinion and Mr. *Lowther's* view, that he who can get into his masters debt, is to be protected and supported, let him be guilty of ever so many crimes; a reflection, I must own, I could hardly have thought would have been cast from one gentleman to another at this board. I must, however, take occasion to acknowledge the charity Mr. *Lambton* seems to be inspired with here, by imputing all these gross errors in my judgment to an ill-tim'd zeal for my distress'd relation, altho' he seems to be so much in want of this cardinal virtue in another place.

It is time now to say one word in answer to those parts of the remarks the president and Mr. *Lambton* have been pleas'd to make on the manner of enquiry into Mr. *Lowther's* conduct; but Mr. *Lambton* having treated this subject with some asperity, and in a manner somewhat different from the president, I shall speak more immediately to his, wherein, as introductory to his other reasons, he first of all observes,

“ That the necessity of making an enquiry into
“ Mr. *Lowther's* conduct, and consequently of sus-
“ pending him, being so fully demonstrated, it will
“ be troubling your honour, &c. too much to an-
“ swer all Mr. *Draper's* objections, &c.”

If by these words Mr. *Lambton* means the necessity of it is fully demonstrated from Mr. *Brad-
dyll's* having first of all made a defamatory declara-
tion in council relating to Mr. *Lowther*, (which by
the way I must observe, was, in my humble opinion,
very irregular, and by the Company's standing rules
and orders, ought not to have been minuted, as
nothing was at that time debated concerning him)
and some time after that, as irregularly giving us
in a long train of far-fetch'd and fictitious reasons
for

for his said declaration, as the ground-work or superstructure upon which the said enquiry was to be rais'd, and after this, what the broker said in council concerning the raw silk; I say, if *Mr. Lambton* means these instances as a full proof for causing this enquiry and suspension of *Mr. Lowther* (and I think he can bring no other) I must desire to be excused from joining in opinion with him, for the following reasons.

Because, as before observ'd, *Mr. Braddyl's* defamatory declaration, relating to *Mr. Lowther*, was highly irregular and unprecedented; and if that was so, it consequently follows, his being permitted to give in his reasons for that declaration, was equally the same. Neither do I allow, that what the broker said in council concerning the raw silk, was of weight sufficient to have corroborated these proceedings: for in the first place, the broker was not examin'd methodically, as he ought to have been, upon oath; neither did the secretary minute the full substance of what he did say, for I well remember as to what pass'd betwixt him and *Mr. Robinson*, he said that gentleman told him, he had orders from hence to debt him on the *Surat* books for it: and therefore I think, before this had been digested into one of the articles of accusation against *Mr. Lowther*, the least we could have done was to have waited for his answer, to have known what orders were sent from hence, and whose authority there was to warrant such orders; and therefore, for these very reasons it was that I objected in council to this article being fully prov'd by the broker. But here I will suppose all these proceedings to have been highly regular, and the article of the raw silk in this manner prov'd; is that a reason that we should proceed to suspend and finally condemn *Mr. Lowther* before he is heard? Or that so much as the copy of *Mr. Braddyl's* long reasons, as it is call'd,
for

for his defamatory declaration concerning him, should not be sent to him to answer? If this is what Mr. *Lambton* terms a full demonstration, and founds the necessity of the enquiry, and the manner of it, upon, the reasons for his remarks will then take place, and not otherwise. Besides, if from this the necessity for making an enquiry was thought to be so very great, was there no other manner of doing it? nor no other member of the board so fit a person to put it in execution as Mr. *Braddyll*? who, setting aside the causes for his declaration aforesaid, has in several other companies declared himself in such a manner, as bespoke him Mr. *Lowther*'s profess'd and mortal enemy. Mr. *Lambton*, indeed, is so very impartial and indifferent about it, that he is pleas'd to say, "It is far from being material which of the members were deputed for that purpose." If so, why was he not so ingenuous as to declare this at the proper time, when this matter was debated upon? that either of the two gentlemen on my left hand might have been invested with this power, who, it is well known, are of unquestionable integrity and disinterestedness, for the due performance of it: or could not Mr. *Lowther* have been call'd before this board, that he might in person have answered to what was alledg'd against him? a charge have been form'd from the matter Mr. *Braddyll* had furnish'd us with, and have been sent him up, to have given answer to it, and transmitted it again to us to have judg'd upon? nor no other method have been found out to have brought him to the justice of this board, but that which is already taken in the person of Mr. *Braddyll*, his profess'd enemy? Nor is this sufficient; he must have Mr. *Cleland* assign'd him as a fellow-labourer on this occasion, who, it is known to all men, is an enemy to Mr. *Lowther* equally as profess'd as the other; and for the proof of which
(without

(without descending to other particulars) I need only appeal to the public registers both here and in the mayor's court. With this assistance, I presume, it is not doubted, but, as matter sufficient was wanting here to form a compleat and regular charge against him, there will be enough found out in *Surat*. But had this matter been prepared, digested, and exhibited against Mr. *Lowther*, antecedent to the act of condemning and suspending him, it would, in my humble opinion, appear'd with a much better face to the world, instead of being (as it will now become) subsequent to it.

As a further answer to the joint remarks before me on this head concerning the person in dispute, in whom the power of enquiry ought to have been invested, I say, that it is allow'd in the said remarks, Mr. *Lowther*, or I as his relation, (which I also grant) ought not to have had any share in the management of it: with the same parity of reason then it holds good on the other side, that Messrs. *Braddyll* and *Cleland* (his two profess'd enemies) ought not likewise have had any share in it.

And here it may not be amiss to make some small observations on the character of the latter, the other being my contemporary at this board, and a gentleman for whom I have always had a regard, and more particularly for his abilities to serve our honourable masters; I decline the taking any view of some of his past conduct; but I hope it will not be thought transgressing any rules of decency or good manners, if I enquire a little into Mr. *Cleland's*; and more especially for this reason, as he has already had the presumption, in open court, to arraign the justice and proceedings of this board, in the time of the late president, and in an act too which had the unanimous consent of every gentleman sitting here. In doing of this I need not take
much

much trouble, since, by Mr. *Cleland's* having been stigmatized by a letter from his own father to governor *Cowan*, with this remarkable appellation, "of having a tongue that would deceive the devil," (and which letter was produced in council, on an occasion that may be remembered, with regard to his conduct to that gentleman and Mr. *Lowther*) the world may from thence form a pretty good judgment, how well he deserved it, and what were the actions of the foregoing parts of his life. Some that followed amongst us here are so memorable, that they are not easy to be forgot; such as the having been caught in attempting to make his escape in disguise, with his face black'd over, to the *Portuguese* territories, (and with an intention, as it has been publickly talk'd) there to have renounced, at once, his religion and country; and yet this gentleman, as black as he is in these colours, is thought a proper person to be appointed one of Mr. *Lowther's* judges.

As to the reasons I set forth in my dissent, concerning the present posture of affairs in *Surat*, and the commotions thereby occasioned, with regard to the *Siddee*, and his demands on that government, I had sufficient ground-work to go upon, from the reputation Mr. *Lowther* so justly acquired in the expulsion of *Sorab Caun*, and afterwards from his dexterous management in the great perplexities the whole commerce of the city, were, by this means, involved, which, last year, he was very near bringing to a firm and happy crisis; but how these his intentions came to be frustrated, I will not pretend to determine; and, whatever the event of them may now be, (I more particularly mean the *Siddee's* affairs) sure I am, it will not be at all facilitated by his remove, nor will that be productive of the many good consequences Mr. *Lambton* insinuates, such as by Mr. *Lowther's* having laden people with burdens

burdens grievous to be borne, he is willing, by this means, to shew his abundant charity, in relieving them from, and that something else, very black and terrible, is to come forth, when Mr. *Braddyll* hath finished his enquiries, which will not only be instrumental in supporting the small remains of our credit in *Surat*, but even retrieve that which is lost, and put our affairs, in general, on a better footing.

I am truly sorry I should find myself under a necessity of disagreeing with the remarks before me, on this head, since it is very visible, to all men, that instead of our affairs being retrieved, they are, generally, greatly declined; not that by this I would be understood to insinuate, that the cause of it has proceeded from measures that have been ill concerted, but from the want of those measures (however well concerted) having been crowned with the desired success. I forbear descending to particulars, lest I should be thought guilty of inveighing against him, who has the chief direction of affairs, and for whom I have the greatest regard.

I shall conclude what I have more to say on the head of Mr. *Lowther*'s conduct, with regard to the civil war in *Surat*, (now so much found fault with) with desiring to be referred to our letter to the honourable Court of Directors, by the *Houghton*, dated the 22d of *September*, 1732, paragraphs 23, 24, 25, 26, 27, 28, 29, and 30, which all agree in the entire approval of it, and the following paragraphs, in our letter by the *Wilmington*, dated the 21st *January*, 1734-5, being a further confirmation of it, and in terms so pathetic, that if I or Mr. *Lowther* himself had had the penning of them, it could not have been done more to his wish. I must also remark, that the said paragraphs are of the President's inditing, and every word wrote with his own hand.

73. ——— “ In answer to the 37th, 38th, and
“ 47th paragraphs of your commands, now before
“ us, we beg leave to say, that, to the best of our
“ knowledge, the representation made to you re-
“ lating to the revolution at *Surat*, was set in a true
“ light, without any glosses or disguise, and that the
“ motives which chiefly induced your servants to
“ join their assistance, for the expulsion of *Sorab*
“ *Caun*, then Governor, and putting *Tedjee Beg*
“ *Caun* in his place, was to secure your estate and
“ phirmaund privileges, and their own lives and
“ fortunes, all which were, at that time, exposed
“ to imminent danger; and your Honours may be
“ assured, we shall always be very cautious and
“ wary of engaging in matters of such moment,
“ and nothing but the last necessity shall prevail on
“ us to become parties in any quarrel of the like
“ nature, but whenever your property is actually
“ invaded. The method you recommend of stopping
“ up the bar is certainly most just, and the most
“ likely to prove effectual; nor is it attended with
“ so much risque to the persons or fortunes of your
“ servants; but when, as in the case before us, the
“ rapacious designs of an oppressive tirant were e-
“ qually levelled against all merchants in general,
“ stopping the bar would have been of little effi-
“ cacy, as by that means we suppose, by laying
“ an embargo on their trade, to gain their media-
“ tion in our behalf, which they then wanted
“ for themselves, and, consequently, there was no
“ other assylum to fly to for refuge, but a firm
“ resolution, and the strictest union of the oppressed
“ body; and as our endeavours for your Service
“ were crowned with success, and the whole ex-
“ pence you were at, on this occasion, has been
“ repaid, we hope we shall not incur any cen-
“ sure.

74.——“ Though we did, in our letter of
 “ the 1st of *October*, 1732, direct the Chief, &c.
 “ at *Surat*, to obtain a certificate from the mer-
 “ chants, setting forth the service done the public, by
 “ the *English*, during these troubles, yet this writ-
 “ ing was drawn up voluntarily, and signed by the
 “ principal inhabitants, and sent to the President,
 “ by *Abmud Cbellaby*, before the receipt of our or-
 “ ders, as will appear by the date of it, in our con-
 “ sultations of the 6th of that month.”

I must further observe, on this head, that Mr. *Lambton* seems to have taken more than ordinary pains to contradict and condemn himself, in having before agreed to the pre-mentioned paragraphs, by the *Houghton* and *Wilmington*, and, in a more conspicuous manner, he does, by saying, “ that Mr. *Lowther* was only happy at that time, in having
 “ a Gentleman in power, who was too much con-
 “ cerned in the quarrel, to let him drop;” which, on my acquainting him with, when his remarks on my dissent were read at this Board, I was greatly astonished to hear him declare, “ that although he
 “ agreed to the signing the said letters, (more par-
 “ ticularly meaning that by the *Houghton*) yet he
 “ did it unwillingly, and, at the same time, wrote,
 “ in his private letters to some of the Gentlemen in
 “ the Direction, declaring himself to be of a dif-
 “ ferent opinion,” or words to this effect: which, as it is the grand characteristic of a principle I care not here to express, and denotes a very turbulent and mischievous temper, so it is also no great sign of his endeavour to fulfil the desires of his honourable masters, when they were pleased to reinstate him in their service, which were on condition of his future good behaviour, and desiring that all that was passed might be forgot and forgiven. See their letter *per Strettham*, paragraph 96. And again, by the *Heath-*
 k 2 *cote*,

cote, paragraph 70, they are pleased to express themselves thus, with regard to him.

“ Mr. *John Lambton*, we observe, has taken his
“ place at the Board, pursuant to your orders, and
“ having received no complaints on either side, we
“ take it for granted, that there is an harmony and
“ agreement among you, and that his behaviour
“ is suitable and becoming to his superiors.” How
well Mr. *Lambton* has performed this, and how his
pacific and forgiving temper agrees with these in-
junctions, I leave the world to judge.

That Gentleman has been pleased to remark upon
me, “ that I come prepared to this Board, to op-
“ pose all reasonable measures, as I did in the
“ case of Mr. *Lowther*, by declaring, some days
“ before the Enquiry was moved, that I would
“ come into none that tended to Mr. *Lowther*’s
“ discredit.” Had Mr. *Lambton* gone on, and
said, that I would come into no measures that were
prejudicial to Mr. *Lowther*’s interest, until I had
convincing proofs of his infidelity to my honourable
employers, (which were my words) he would have
done both himself and me justice. I would have
Mr. *Lambton* to know, (which, if he will not, is
nevertheless true) that I always come prepared to
this Board, to do justice to those whose bread I eat,
and, with a very sincere and upright intention, to
perform my duty to them, to the utmost of my
power and skill, that the guilty, and those who
transgress their rules and orders, or invade their
property, may be punished, and the innocent
escape, without any gloss or disguise, favour or af-
fection, for any party whatever; and of this (were
it necessary) I could give some late and very con-
vincing proofs, as I also can that I come prepared
to this Board, to preserve harmony, and a good
agreement among ourselves; for which reason only
it was, that in *August*, 1731, I resigned my seat at
this

this Board to Mr. *Law*, on a motion from him, that he conceived the mention made of him, in the then general letter *per Stretbam*, entitled him to a precedence, which I acquiesced in, without any expostulations, or reasons, I might very justly have pleaded to the contrary, such as my establishment in the council the preceeding year, when Governor *Cowan* was invested with his commission, and which might, reasonably, have been interpreted (and, I am sensible, would so, had it been put to the vote) to take place on any order subsequent thereto, which that in favour of Mr. *Law* was.

I believe Mr. *Lambton* will find it difficult to produce such an instance of resignation in himself, since it is well known he ever has, and still appears so ready for sowing divisions among us.

But, as that Gentleman has omitted to take notice of the occasion of my coming thus prepared, (as he is pleased to term it) I must desire leave to explain that matter a little; that it was on my vindicating Mr. *Lowther*, a Gentleman, who (I am not in the least afraid or ashamed to repeat in this place) is of as unquestioned a character, and as well beloved with the generality of mankind, that know him, as any man whatever: and thus much, I hope, I may be allowed to say, without any diminution to the characters of any one, notwithstanding the contrary was so much insisted on, at our meeting of the 6th *ultimo*, and in terms so opprobrious, that good manners, and the respect I owe to government, makes me forbear the repetition of, in this place.

As I have already observed, Mr. *Lambton* is pleased to say, "That he makes no manner of doubt, when Mr. *Braddyl* hath finished his enquiries, there will be more instances than one to confirm what he sets forth, in his Remarks, against Mr. *Lowther*." But suppose, after this Enquiry is over, it should happen otherwise, and
Mr.

Mr. *Lowther* proclaims his innocence to the world, what satisfaction will he have, for being informed against, and indicted wrongfully, under which calumnies he suffers exceedingly, in his interest and reputation? Perhaps Mr. *Lambton* will say, he has been tried, and acquitted, and what then is the fruit of all his sufferings? Why, Mr. *Lowther* has escaped the severity of the law; a goodly satisfaction indeed! Mr. *Lowther* is not punished, because he never deserved it; but where is the reparation for the injury done to his good name, and interest, for this may stick by him, and can never be wiped off, though the suspicion, scandal, and all the dirt that a false accuser bespatters him with, may? And this, Gentlemen, may be the case of us all; as any man, whose disposition is litigious, and his malice, and conscience wicked enough to put him upon it, may very easily give his neighbours a great deal of trouble and charge, and, without any danger to himself, run them into such difficulties, as they cannot possibly get quit of again, without considerable detriment and disquiet; but this I will not be so uncharitable as even to think Mr. *Lambton* can be capable of doing in the present case.

As I made complaint, last council-day, of the Secretary's having refused the sight of Mr. *Braddyll's* Instructions, which, although I did not sign them, yet, as a member of this Board, I humbly conceive I have an undoubted right to, equal with any other who did; and therefore I think it proper, to declare this my reason for not having signed the letter to *Surat*, confirming Mr. *Robinson's* removal from his seat in Council, as also for not agreeing to that day's proceedings, with regard to this transaction, as, through my ignorance of the powers Mr. *Braddyll* is invested with in those Instructions, I am incapable of judging whether he has not exceeded them in this step.

Before

Before I conclude, I think it proper, here, to declare, what I have not so fully done in my dissent; that I am as ready to join, in all reasonable measures, for making the Enquiry into Mr. *Lowther's* conduct, as any person whatever; and therefore, I hope, my having already dissented from the manner of it, will not be construed as the want of inclination in me, to do it at all, or, what is much worse, the want of fidelity to my honourable employers; as Mr. *Lambton*, in several of his remarks, would seem to insinuate.

I am very sorry I should have had occasion again for troubling this Board, which, I hope, will be the last time, as I very unwillingly enter into any debates of this nature, and the more so, as I am so unfortunate to be engaged in them, contrary to the opinion of my Governor, for whose endowments of mind, as well as personal qualifications, I declare to have the greatest regard. — Dated in *Bombay*, this 2d day of *March*, 1735-6.

William Henry Draper.

No 20.

The President's Remarks on Mr. DRAPER's Arguments.

Gentlemen,

MR. *Draper* has been pleased to give in to this Board several sheets of writing, which he calls his arguments to support his dissent, in answer to mine and Mr. *Lambton's* remarks upon it. Surely he

he would not have offer'd to impose so many falsties and contradictions on us, if he thought we should have vouchsafed to peruse these his notable arguments.

I have affairs of more importance, than entering into such a paper-war, to employ my time, and therefore shall not answer Mr. *Draper's* long harangue; but, as I have said, he has endeavour'd to impose several falshoods on us, I shall point out some of them, and submit the whole to the judgment of our employers, without filling our registers with any more papers of this nature, which I desire Mr. *Draper* will not trouble us with.

I am surprized Mr. *Draper* will pretend to amuse us with the tedious account he gives of Mr. *Lowther's* decreasing his debt, or how it arose; and, in answer to his supposition, I say, supposing he has paid off so much as Mr. *Draper* sets forth, ought that to convince us he will pay the rest according to his promise? If he had any intentions of so doing, why did not he (or Mr. *Draper*, when he was call'd upon) let us know in what manner his balance was to be made good towards the investment? Mr. *Lowther* promised us that the Company should not be sufferers by the brokers, and that they would pay one lack annually, in part of their debt; and because neither of these were complied with, it is wondrous hard we won't believe him in regard to his own debt; and Mr. *Draper's* affirming, that Mr. *Lowther* being indebted to the honourable Company, is made one of the principal handles for dismissing him from his post, is one of the falshoods he has attempted to impose upon us.

It is very absurd in Mr. *Draper* to affirm, that Mr. *Lowther* suffered the brokers to run in his debt, with a view to the Company's interest, and I have reason to believe, that they have never reap'd any advantage from it; and his quoting the paragraph

of our letter to the honourable Company, by the *King William*, to shew that Mr. *Lowther* had supported the brokers, will be of a little service, because it is there said, the brokers, at the time of their father's death, cleared off most of their other creditors. Would any body but Mr. *Draper* judge what is set forth in those paragraphs justifies Mr. *Lowther*?

But Mr. *Draper*'s attempting to cast a reflection on me, and explaining my meaning, by falsely relating what passed in a private conversation, exceeds any thing he has yet offered.

I believe, every one of you, Gentlemen, have more than once heard me say, Mr. *Lowther* was to blame for neglecting the opportunity of securing his debt from the broker, but I appeal to you, if, at the same time, I did not always condemn Mr. *Lowther* for taking as little care for preventing his honourable masters suffering by them; and I declare solemnly, what I said to Mr. *Draper*, on this subject, was to the same purpose; and as to his kind explanation, that I meant Mr. *Lowther*'s resigning the *Dilly* remittances, I shall only observe, that so far I was from having any such meaning, that I never heard those concerns were made over to Mr. *Lowther*, till we were told so in the *Surat* letter, of the 22d *January*, which was received after this discourse is said to have passed, though Mr. *Draper* quotes that letter as full proof: to invalidate which, I only produce Mr. *Lowther*'s own account of that matter, as set forth in the *Surat* letter, of the 21st *March*, 1732-3, as follows.

“ In our aforesaid last humble respects to your
“ honour, &c. we desired to write more amply in
“ relation to the *Bengal* remittances, since when,
“ the chief has laid before us his fair letter books,
“ from which we have copied sundry paragraphs
“ to governor *Dean*, when in the chair of *Bengal*,
“ and

“ and to president *Stackbouse*, when chief at *Cos-*
“ *simbuzar*, attested copies of which come under
“ this cover; the first occasion of which, was a
“ proposal *Lolldass Vituldass*, the late broker, made
“ the chief, in *March*, 1731, that as he was o-
“ bliged to send a great part of the woollen goods
“ he annually purchased of our honourable masters,
“ up to court for a market, so he desired the chief
“ would give him leave to remit the produce, so
“ far as to the amount of two lack, as they were
“ turned into money on his account to *Bengal*,
“ which he readily consented to, as having a stock
“ lying there at interest, it would be an advantage
“ to him in purchasing the private trade, that is
“ imported from thence by the *English*, and the
“ supercargoes would have been equally as well sa-
“ tisfied with taking bills, and saving the risque
“ down to the bay. This occasioned his first let-
“ ters, bearing date *April* the 8th, 1731; but
“ when the *Oakbam* arrived in *July* following, and
“ were directed by your honour, &c. to remit
“ three lack, on account of our honourable masters,
“ he then told the broker, that these orders must
“ be first complied with, upon which he again
“ wrote to Messieurs *Dean* and *Stackbouse*, under
“ the 15th of *August*, which, we think, plainly
“ shows, that the president of *Bengal* had not any
“ room to appropriate the sums of forty thousand
“ and five rupees to Mr. *Lowther*'s private ac-
“ count, but, on the contrary, to have brought it
“ immediately to our honourable masters credit;
“ and the chief begs leave to assure your honour,
“ &c. that had not our troubles first appeared just
“ at the time of the departure of the *Bengal* ship-
“ ping, which stagnated all sorts of business, and
“ particularly that branch of negotiating bills of
“ exchange, which prevented his complying with
“ his engagements, he had not given any room for
“ “ censure,

“ censure. But as things fell out at that critical
 “ juncture, it was impossible for any one living
 “ to have acted otherwise, unless they were willing
 “ to run the risk of losing all, as at that time not
 “ one Shroff in the city escaped being taken up
 “ and fleec’d by the then untoward government.
 “ And though this affair has given him the utmost
 “ concern, yet he hopes to have it alleviated by
 “ your honour, &c. being convinc’d, by his differ-
 “ rent letters to the gentlemen of *Bengall*, that they
 “ had not the least handle to act as they have done,
 “ and therefore desires that it may make no ill im-
 “ pression on your honour, &c. and that you will give
 “ him leave to be as plain in his answer to the pre-
 “ sident and council of *Bengall* as they have been in
 “ their letter to us.”

From which (with what has been before ob-
 serv’d) I doubt not but the falsity of Mr. *Draper’s*
 assertion, as well as his intended reflection on me,
 will fully appear. And Mr. *Draper’s* terming Mr.
Braddyll’s declaration, and his reasons for support-
 ing it, defamatory, is as inconsistent with good man-
 ners, as it is with the respect he owes this board, as
 we had thought the reasons Mr. *Braddyll* gave,
 weighty enough to cause an enquiry to be made
 concerning the transactions he had taken notice of;
 and his objection to the irregularity of the one or
 the other, is very trifling and ill-grounded.

I do not wonder at his betraying private conver-
 sation, since I find it is the practice of one for
 whom he professes so great a regard: but I confess
 I am amaz’d at his assurance, in repeating his de-
 claration, “ *That he does not doubt but Mr. Lowther*
 “ *will give very good reasons for having been unfaith-*
 “ *ful to the Company in misapplying their money.*”
 Nor does he content himself with this, but thinks
 it ought not to have been one of the articles of the
 accusation against Mr. *Lowther*. Whether this de-

claration be consistent with Mr. *Draper's* duty, I leave to be determined by our honourable masters : but I am sure it is far from convincing me, that he has an inclination to do justice to those whose bread he eats, or shewing his desire that the guilty may be punish'd and the innocent escape.

What has been before remark'd, will, I think, to all impartial men, be sufficient to shew the necessity, as well as the justness of the enquiry into Mr. *Lowther's* conduct ; and as he is not to be condemned or acquitted by the person who makes the enquiry, but by us, I join with Mr. *Lambton* in opinion, that it was far from being material which of the members was deputed for that purpose : and had either Mr. *Taylor*, or Mr. *Percival*, (the gentlemen on Mr. *Draper's* left hand) been nominated, he would equally have excepted against them ; because he was for no member being sent from hence. If the objection of Mr. *Braddyll's* being Mr. *Lowther's* accuser, is allow'd, a president who is inform'd of any male practices of any of the Company's servants, and charges them therewith, must resign his chair till they are acquitted or condemned, that he may not incur Mr. *Draper's* censure of being accuser and judge. Mr. *Draper* will have it, that we have condemn'd Mr. *Lowther* : but, as I said before, he will have a charge exhibited, and a full time allow'd to make his defence ; when, if he appears innocent, no body will be more ready to declare him so, and to use their endeavours to gain him redress from those who may accuse him falsely, than myself. And I ask if it is a reasonable objection, that those whom Mr. *Lowther* calls his enemies should not enquire into his conduct, since, by his actions, he has taken care to give sufficient reason for all Men of honour and worth to be so.

Mr. *Draper* was last council-day detected in advancing another falshood, in saying that the full substance

stance of what the broker declar'd was not minuted (I mean concerning Mr. *Robinson*.) And as to his reflections on Mr. *Cleland's* former character, he might have had the modesty to forbear them, since our honourable masters were not only pleas'd to entertain him in their service, but have ordered his promotion: and as the dispute between him and Mr. *Lowther* is now under the cognizance of our honourable masters, I shall not say any thing concerning it here.

I can no otherwise explain what Mr. *Draper* intends in the two paragraphs concerning the merit claim'd for Mr. *Lowther* in his management with the country government, more particularly in the *Sciddees* affairs, than as a scandalous, tho' oblique reflection on the proceedings of this board, in not following the base example Mr. *Lowther* had set us, of disregarding an obligation given under hand and seal. Mr. *Lowther* certainly endeavoured to prevail on us to detain by force the *Surat* merchants ships that were brought hither by the *Sciddees* last year, altho' Mr. *Braddyll* had, in our behalf, sign'd and seal'd an obligation, that they should be permitted to return with them, if their affairs were not concluded with the *Surat* government in a certain time; upon which terms only they could be prevail'd on to consent to their being brought hither: and whether it was not unanimously declared, that our consenting to such Mr. *Lowther's* base proposal would have been too notorious a breach of public faith towards the *Sciddees*, I appeal to the rest of the members of this board.

I allow Mr. *Draper* all the advantage he can make of quoting the paragraphs in the letter to the honourable Company, *per Wilmington*. It is therein said, that, "To the best of our knowledge those affairs were set in a true light, &c." Our knowledge was founded on the representations from *Surat*,

rat, and therefore, if those affairs were not set in a true light, it is easy to guess by whom they were misrepresented. And I appeal to all men, whether by my penning those paragraphs so much in Mr. *Lowther's* favour, as well as by my constant behaviour since I have had the honour to sit in this chair, I have not demonstrated how inclinable I was to protect and support him, so long as was consistent with my duty to my employers, my own reputation, and the interest of mankind in general; though it is now meanly and scandalously insinuated, that I have been prevail'd on to take the present steps against Mr. *Lowther* to gratify the pique and resentment of particular gentlemen.

I shall not condescend to refute so vile a reflection, but leave my honourable masters to judge whether Mr. *Lowther's* conduct did not oblige us to this enquiry.

I think there is very little sincerity in Mr. *Draper's* professions of the regard he bears me, or he would not have attempted to repeat a declaration so injurious to my character, and which can neither tend to his own, or his worthy friend's advantage: to set which affair in a true light, I must relate what pass'd in council the 6th *ultimo*, which, to the best of my remembrance, is as follows.

We were discoursing on the contents of the *Surat* letter of the 22d of *January*, particularly in regardly to Mr. *Lowther's* debt, when Mr. *Braddyll* took occasion to confirm the declaration he had made concerning Mr. *Lowther* the 8th of *January*, and mention'd some of the reasons, one of which was the affair of the raw silk that induced him to make it, when some other acts of injustice, in regard to private people's fortunes under Mr. *Lowther's* care, were related, whereupon he was term'd a villain, and offer'd to be prov'd so; notwithstanding which, Mr. *Draper* was pleas'd to declare
Mr.

Mr. *Lowther* as honest a gentleman as any that sat at the board ; which was an affront none of them would put up ; and accordingly Mr. *Draper* was oblig'd to make his submission, by asking every one of them pardon for so scandalous and injurious a reflection, which, in a very unbecoming manner, he now endeavours to repeat ; but I disdain so mean an attempt of endeavouring to throw a reflection on me ; and if Mr. *Draper* is content to have his character compar'd with Mr. *Lowther's*, he shall enjoy the credit of it unenvy'd by me, and, I hope, all honest men.

I think I cannot be accused of putting forced constructions upon Mr. *Draper's* words, by declaring he has attempted to arraign the conduct of my self and council in the performance of our duty, to cast injurious reflections on me, as well as others of his brethren ; that, contrary to his duty as a Company's servant, he prefers his attachment to Mr. *Lowther* to their interest, by refusing to join in an enquiry into his conduct, although such breaches of trust were offer'd to be prov'd against him ; and repeatedly declares it his opinion, that he does not doubt Mr. *Lowther* will give good reasons for having misapply'd the Company's money.

When this is considered, I flatter myself Mr. *Draper's* assertion, " That he always comes prepared
" to this board to do justice to those whose bread
" he eats, and with a very sincere and upright intention to perform his duty to them to the utmost of his power and skill, that the guilty, and
" those who transgress their rules and orders, or
" invade their property, may be punished, and the
" innocent escape without any gloss or disguise, favour or affection of any party whatever," will appear to be of very little weight : and without prejudging what censure such a conduct deserves,

I humbly submit the whole to the impartial determination of my honourable employers.

Dated in *Bombay-Castle*, the 11th of *March* 1735-6.

John Horne.

N^o 21.

*Extract of the Consultation of the
15th of March 1735-6 ; contain-
ing the Interrogation of Messieurs
ROBINSON and RAMSDEN.*

THE president acquaints the board, that as Mr. *Robinson* kept Mr. *Lowther's* books of accounts, and Mr. *Ramsden* the Company's books at *Surat*, he thinks it will be proper to ask them some questions concerning Mr. *Lowther's* management of the Company's affairs at *Surat*. And Mr. *John Robinson* being call'd in, the president takes notice to him of the trifling reasons he had urg'd for refusing to answer Mr. *Braddyl*, and lets him know his behaviour in that respect is disapprov'd. And he being then sworn to make true answers, is interrogated as follows.

Qu. Did you tell the broker you had orders from hence, to debt his account for the amount of the raw silk sold in *Surat* in *March* last ?

An. I do not remember that I did.

Qu. Had you any orders from hence for telling the broker so ?

2

An.

An. I do not remember I had any such orders.

Qu. Did you know that the amount of said silk was applied to Mr. *Lowther's* private use, or brought to his credit in account with the Shroff?

An. About the latter end of *May*, Mr. *Hope* ask'd me, if I had seen the cash account lately? and added, There must be a large balance for the amount of the silk-money. Whereto I answer'd, that I had not seen it. And afterwards examining the cash account, I found that no entry was made for the receipt of said silk-money. And on asking the broker, why he had not paid it into cash? He said, that Mr. *Lowther* having press'd him at that time very much for money, he had paid it to the Shroff on his account. Mr. *Lowther* being at *Bombay*, I wrote to him, desiring his orders to repay that money to the brokers, that it might be brought into the Company's cash; but did not receive an answer till some time afterwards, when Mr. *Lowther* wrote me, he had accounts depending before the president and council relating to the last year's investment, on which there was a balance due to him of upwards of thirty thousand *Rupees*: and in another letter I receiv'd from Mr. *Lowther*, he says, that he had the president's permission to pay himself that sum out of the amount of the raw-silk money: and when Mr. *Lowther* return'd to *Surat*, he shew'd me a letter from the president, dated in *August*, wherein he says to the following purport; "That for sundry reasons he did not think those accounts proper to be laid before the council, and therefore desired Mr. *Lowther* to receive the money before-mention'd from the broker out of the amount of the raw silk, who, he supposed, had been debted upon the books for it."

Qu. Do you remember what time it was you receiv'd the last-mention'd letter from Mr. *Lowther*?

An. Some time in *August*.

Qu. Do you know of Mr. *Lowther's* having at any other time applied any of the Company's money to his own use?

An. No.

Qu. Was the balance of cash, specify'd to be in the *Shroff's* hands, always remaining?

An. I do not know: but he was answerable for it.

Qu. Were the several sums the broker is debted for to cash, actually advanc'd him in money, or made so by transfers?

An. Some were made good by transfers.

Messrs. Ramsden and Hamilton are then called in, and told of the slight offer'd the president's commission, in not paying the usual compliments to the supravisor. And they are also made acquainted, that by the manner of relinquishing their seats in council, they had actually thrown up the honourable Company's service; to which they reply, That they apprehended it to be the custom to withdraw, till they had protested in form, and that they should afterwards very willingly have resum'd their places, had they been call'd upon to do so. The president, to shew his unwillingness to use harsh measures, acquaints the board, that if these gentlemen will make a suitable submission, and retract in writing the protest they entered against Mr. *Braddyll*, he will (with the consent of the rest of the members) reinstate them in the service: but if they persist in the steps they have taken, he thinks they ought to remain (as they have thrown themselves) out of the Company's service; which is agreed to: but as the supravisor has mention'd that he had some other reasons for sending Mr. *Robinson* down, that appear'd in the course of his enquiry, we must defer resolving upon any thing concerning him, till we receive the supravisor's report of his proceedings.

Mr. *James Ramsden* being sworn to make true answers, is then interrogated as follows.

Qu.

Qu. Did you keep the Company's books at *Surat*?

An. I did, by Mr. *Lowther's* directions, and wrote as he ordered.

Qu. Did you debt *Jaggernaut*, &c. their account at interest for the raw silk sold in *March* last?

An. Yes.

Qu. When you made that entry, did you know that the amount of said silk had been apply'd to Mr. *Lowther's* use?

An. No.

Qu. How came you to debt the broker, and not cash, for the amount of this silk?

An. Because it had been customary to debt the brokers for sales of goods, and I had Mr. *Lowther's* orders to debt them for this sum.

Qu. But as you knew this silk was sold for ready money, why did you debt the broker for it, and not cash?

An. Because it had been usual to debt the brokers for goods, when sold, and to credit them by cash when they paid in the money.

Qu. Who kept the cash account?

An. Mr. *Lowther* usually drew it out foul, and I entered it fair in the books; though, by Mr. *Lowther's* order, I have taken some of the cash accounts from the Shroff.

Qu. Have you ever heard that Mr. *Lowther* applied the amount of this silk to his own use?

An. Yes.

Qu. Did you ever hear of Mr. *Lowther's* making use of any other sums of the Company's money?

An. Yes.

Qu. Do you know of any other particular sums?

An. No—only by hear-say---And as to the silk-money, when I heard Mr. *Lowther* had made use of it, I thought it was wrong: and enquiring into

it, I had an answer that satisfy'd me; which was, that the governour had given orders for so doing.

Qu. Were the several sums the brokers are debted for to cash, actually paid them, or were they negotiated by transfers?

An. I do not know, as Mr. *Lowther* kept the cash account.

Qu. What other sums of the Company's money did you hear that Mr. *Lowther* had applied to his own use?

An. The broker told me Mr. *Lowther* had not paid him the whole amount of one lack of *Rupees*, sent from *Bombay* in governor *Cowan's* time; but I do not remember the exact time, though I think it was the last money that was sent up.

N^o 22.

*Extracts of Letters from the Supra-
visor to the Presidency.*

REceiv'd a letter from the supravisor, &c. factors at *Surat*, dated the 14th of *March* 1735-6, giving an account of several of the brokers practices, which they had discover'd, against the interest and credit of our honourable masters: That they had endeavour'd to embroil them with the government, by advising them to demand a loan of twenty to twenty-five thousand *Rupees*, to be advanced upon the annual *Piscash* (which the government accordingly came into) in hopes of breeding such disputes and troubles on this occasion, as might obstruct and disappoint the necessary enquiries

ries into the conduct of the late chief. That they are credibly inform'd that the broker *Jaggernaut*, from the instant of his arrival, has exerted himself entirely to the opposition to the interest and business of the factory. That he has applied to, and interceded with the governor and chief officers of the *Durbar*, to use their authority to put a stop to all intelligence and discoveries from the merchants, of Mr. *Lowther's* and his male-practices, and to give no credit to the supravisor's suggestions, or countenance to his proceedings. That the broker also urged, this removal of Mr. *Lowther* was owing to a private resentment of the governour of *Bombay*, on his receiving advices over land from *Persia*, that he was to be displaced, to make way for Mr. *Lowther*, which was to happen in *September* next; to which he added, that such measures were taken, and such an interest was to be form'd by persons that went home in the last ships, that Mr. *Lowther* would infallibly be order'd governour from home; and that consequently, it behov'd any one to consider how dangerous it would be to appear against him; with several other insolent and personal reflections on the honourable the president. That when they put him in mind of his promise, for making a fair proposal for the gradual decrease of his debt to the honourable company, he offer'd no other expedient than that of paying them with the profits of their annual investments, to be over-rated to that end. His circumstances (they say) are so truly desperate, that he has not credit for the most petty sum. And when they demanded the two thousand *Rupees* advanced him, and the amount of the two interest-notes, he gave them a very evasive answer. That he has deliver'd in but a trivial part of the investment since his arrival, but they will take the most effectual care to secure what is outstanding. They say, they do not see how they can answer trusting him

2

him with the handling of our honourable masters cash, to be advanced towards carrying on their investments, whilst his condition continues so ruinous and notorious; or how the affairs of the factory can be carried on with any safety, credit or efficacy, by a broker, who has added treachery and infidelity to his other disabilities.

Received a letter by *Pattamar* from the supravisor, &c. at *Surat*, dated the 17th of *March* 1735-6, advising, that they have fresh reason to question the fidelity of their brother *Jaggernaut*, who has assign'd over to the *Dutch* Chief part of a considerable debt due to him from their broker, in order to put a stop to some pressing demands made by the said *Dutch* Chief on Mr. *Lowther*: and when the supravisor charg'd him therewith, he had nothing farther to say for himself, than that it was done in order to make Mr. *Lowther's* affairs as easy to him as possible. And they say this proceeding, added to his other practices, gives them little reason to suppose the lessening his debt to our honourable masters is anywise in his thoughts.

N^o 23.

*Extract of a Letter from Mr. Low-
THER to the Presidency.*

Received also a short letter, dated 22d of *March* 1735-6, from Mr. *Lowther* at the Bar (as entered in the letter-book inward) who we find has, in a very extraordinary and unjustifiable manner, withdrawn himself, by taking passage on the *Carolina*

rolina to Bussorah, in order (as he writes us) to proceed to *England*, to lay his case before our honourable masters.

N^o 24.

*Extract of the Consultations of the
25th of March 1735-6.*

MR. *Lowther* having in such an extraordinary manner withdrawn himself, without leaving any accounts (as we yet hear) of his effects or concerns, and Mr. *George Dudley*, who was his attorney, being call'd in, and enquiring of him concerning Mr. *Lowther's* affairs, and what effects, &c. may remain belonging to him, he declares, he does not know whether Mr. *Lowther* has left any effects or papers behind him. And Mr. *John Robinson*, who kept Mr. *Lowther's* books in *Surat*, being also called in, and interrogated in like manner, declares to the same purport. We have therefore at present no other way left to gain any satisfaction for our honourable masters, or Mr. *Lowther's* other creditors, than to order the gentlemen at *Surat* to enquire what effects, books, or accounts, remain in *Surat* belonging to Mr. *Lowther*, and to see that such as they find be secured till farther orders; which is accordingly agreed to.

And the supravisor, &c. acquainting us that they have been inform'd of several unjustifiable and dishonest practices of the brokers, highly prejudicial to our honourable masters credit and interest at *Surat*, it is directed that they enquire particularly into the

the truth of such their informations, and till their report is laid before us, we must defer coming to any other resolution on this occasion.

Messieurs *Ramsden* and *Hamilton* now give in a letter (as entered hereafter) containing such a submission as they think proper to make for their past conduct : but the president observes, that they have taken no notice of the slight offer'd his commission, or retracted their protest against Mr. *Braddyll*, for a proceeding which, he himself told them, was warranted by our authority ; and therefore he declares it his opinion, that they ought to remain out of the service, as they are, till they make a suitable submission, and retract their protest ; which is agreed to by the rest of the members, except Mr. *Draper*, who dissents therefrom for the reasons given in his arguments to support his dissent, viz. his not having a sight of Mr. *Braddyll*'s instructions.

N^o 25.

*Messieurs HAMILTON and RAMSDEN's
Letter to the Council.*

Honourable Sir, and Sirs,

WHen your honour, &c. were pleas'd to call us before you on *Monday* the 15th instant, it was then allow'd we might have protested against the supravisor, without withdrawing ourselves from our seats in council, by which last step you judg'd we had made an absolute dereliction of the honourable Company's service.

We

We sincerely lament our being carried so far beside our intentions, as to afford room for such a censure : but we beg leave to assure your honour, &c. that if an opportunity had been given us of resuming our seats (than which we had no other design) we should have given the clearest proofs of that zeal, we have ever been desirous of expressing, for the interest and service of our honourable masters, and we shall unalterably retain the same sentiments. We therefore hope your honour, &c. will be inclined, on this our acknowledgment, to excuse the indiscretion of retiring too hastily from our seats, and restore us to our former stations.

It has likewise been objected against us, that we have arraigned, in our protest, the authority of your honour, &c. We utterly disclaim this imputation; and do declare, we had no other end in protesting against the supravisor, than as we judg'd he acted inconsistently with the honourable company's standing orders, and without authority from your honour, &c. or at least push'd his authority beyond its due bounds.

We shall take up no more of your honour's, &c. time, than to request a favourable acceptance of this our dutiful submission, and the liberty of stiling ourselves,

Honourable Sir, and Sirs,

Your most obedient and

*Bombay,
March 23,
1735-6.*

Most faithful humble servants,

*James Ramsden.
George Hamilton.*

N^o 26.

Mr. LAMBTON's Answer to Mr. DRAPER's Arguments in support of his Defence. (See N^o 19.)

Honourable Sir, and Sirs,

WHEN Mr. Draper requested a copy of my remarks, your honour, &c. I presume, took it for granted, that his intentions were to make a proper use of them; that is, by giving a plain and direct reply to such parts as might justify him to his masters, and this board, for the dissent he had made from their proceedings, with respect to Mr. Lowther; but surely, Gentlemen, you are not less surprized than myself, to find some things misrepresented, and, indeed, the material parts to be answered to, passed by, as unworthy of notice, and that, from a public concern, he has descended to that low and base artifice of falling upon yourselves, and other particular gentlemen's characters, which, from the quotations he hath made, and the contents of his whole paper last delivered to you, seems to have been his only design. I am sorry I have, by my remarks, drawn so great an inconvenience upon your honour, &c. yet I judge you are of opinion, that what I said was necessary, and that he might have much better spent his time, and saved you the trouble of reading, or granting his arguments (as he is pleased to call them) a place in the registers.

In answering these arguments, the gentleman, I hope, will not be displeased, that I use the same plain

plain method I have begun with. My expressions are generally designed to carry with them all the force the matter and truth will admit of; and if, from thence, he imagines I am severe, it is no more than what he might reasonably expect; because I bring nothing in competition with my duty, and, I hope, my words and actions will ever accord, so as to demonstrate, that I use no artificial means to obscure the truth, an expression this gentleman might very well have omitted, and, in what I have already done, I flatter myself I have not exceeded the bounds of decency, and good manners, whatsoever he may pretend to the contrary: but it is too common for men, when they mistake things, or are not to be convinced, to have recourse to invectives, from which, I give him all the benefit he can possibly claim.

What Mr. *Draper* is pleased to say, in respect to Mr. *Lowther's* debt, is so far from refuting my remarks, that he admits of every thing I have or can set forth upon this head; but how well does this agree with what immediately follows, where he taxes me with an uncharitable way of reasoning in the case? Wherein consists this want of charity? Pray, Gentlemen, shall our care to secure our honourable masters be miscall'd and term'd a want of charity to any particular person? or that expressing our sentiments in plain terms, must necessarily be a heightening and aggravating matters in an ungentleman-like manner? If he had quoted my remarks a little further, he would have found I gave him a plain instance of Mr. *Lowther's* drawing twenty-five thousand rupees from the broker, for payment of a private debt, in prejudice to his masters; but that was not for his purpose, and therefore he wilfully omitted it, and terms it a want of charity, not to suffer Mr. *Lowther* to pay off his debts at the cost of his masters, and private gentlemen.

I am not a little astonish'd to find him persist in his opinion, that good reasons are to be given for Mr. *Lowther's* applying the honourable Company's money to his own service, without offering any better, or other reasons, than that he is pleased to repeat the same words he made use of before: as for the broker's not being sworn, I presume it will be of as little weight as the rest of his arguments: But how comes this now material objection to be started? This board, I believe, may remember, that I moved for his being sworn, when he was before us, but Mr. *Draper* sat then, seemingly unconcern'd, thinking it, I judge, unnecessary; for, in truth, the infidelity was so glaring, that it would not reasonably admit of a dispute, though this has brought on me the gentleman's censure of pre-judging the case. However, I am very sensible the defence of a bad cause is often difficult and inconsistent, and wish the gentleman all the satisfaction such little evasive arguments can give him, or his friend.

I cannot forbear remarking with Mr. *Draper*, that matters are carried to a surprizing length indeed, when any one shall presume to arraign the proceedings of this board, as irregular and inconsistent with the rules laid down for our government. Mr. *Braddyl's* declaration and reasons attending of it, which Mr. *Draper* is pleased to call defamatory, is no less injurious and insulting; he doth not, by this, only question our understandings, but is making a fresh attack upon us, in that we have been moved to pursue hasty measures, out of mere pique and prejudice to Mr. *Lowther*; he seems to admit of nothing that we have done to be reasonable and just; in fine, the whole tends to make every complaint that may arise against Mr. *Lowther* a defamatory one, without waiting the issue of the enquiry. From this he proceeds to attack two of the gentlemen,

men, to whose care and fidelity the execution of the commission is entrusted; and here our judgment is again questioned as to the choice we have made, and the gentlemen ridiculed and distinguished as declared enemies to Mr. *Lowther*. Admitting the one to have made use of some harsh expressions, and the other to have had a dispute with Mr. *Lowther*, which is what Mr. *Draper* observes, is either sufficient to call them Mr. *Lowther's* professed enemies? No charitable man will do it; and, until I hear more than what at present I know, I will not believe that these, or any other gentleman, who now question his conduct, bear him any personal enmity; his own misconduct has brought on the enquiry, and he can only blame himself for the ill consequences that may attend it; we have sworn to do our duty to our masters, and I am very sorry that any fellow-member should aim at opposing of us, or tell us, that it is a want of charity that leads us to our duty; because, to the best of my knowledge, our proceedings are founded upon good reasons, and are to be warranted by numberless precedents, and the standing rules of the honourable Company, which make the enquiry as regular as it was necessary. Mr. *Draper* hath said enough to convince me, that he believes neither; to which I shall only answer, that I submit to our honourable masters the censure due to such disbelief and opposition to our reasonable measures.

Although the honourable the president, as I remember, hath already taken the proper notice of the decline of our affairs in *Surat*, and the late civil wars, I must beg leave to offer some further reasons, in support of what I have said before, upon the last head, being confident, that notwithstanding the ill use Mr. *Draper* has made of the unguarded expression I let drop, he will have as little to boast of, as he has the issue of that scandalous information he
gave

gave your honour, &c. the other day, of my being a corrupt magistrate, and an unfaithful servant.

In the first place, I would desire the gentleman to peruse the registers in *June* and *July*, 1732, where he may observe, that for the space of a month, or more, the transactions of *Surat* were confined to a private correspondence, and that this dangerous civil war was then entered into, without the least notice given us by any public letter; it will also appear, that the first news we had, was a demand for succours, to support his private engagements, and to prevent the loss of our honourable masters estate and privileges, and the lives and fortunes of their servants. Will Mr. *Draper* say, there was no just reason for exception to such private management, when the honourable Company were hurried into such imminent dangers, without our previous advice, or consent? For my own part, I must declare, that I was, and still am, of opinion, that no man, that had any thought for his employers, could heartily concur in such secret doings, so contrary to their established rules and interest; yet I confess, it would ill have become us, at that time, for the sake of shewing a just resentment to Mr. *Lowther's* proceedings, (after he had desperately engaged, and the whole city of *Surat* was in arms) to have suffered our masters to have been drove out, and their estate and privileges thereby have been justly forfeited. For this, and other reasons, and to comply with the injunctions Mr. *Draper* quotes, it was, that I chose rather to shew a condescension not altogether consistent with my duty, and pass by the irregularity of Mr. *Lowther's* proceedings, when the danger he had exposed his masters to was happily over, and it appeared that they had suffered no immediate loss; but because the conclusion was fortunate, can the undertaking be said to be less inconsiderate and rash, or merit be claim'd where censure was

was due? I may further add, if we have been at any time misled, or artfully deceived by public or private representations, can we too soon acknowledge our error? Be this as it may, in the opinion of Mr. *Draper*, and his friends, I shall be guided by what is already observed, and the contents of the *Surat* letter, of the 21st *July*, 1732, which ascribes the entire applause (if any be due) to the notable conduct of *Lolldafs* the broker, not to Mr. *Lowther*.

I hope, after this, the gentleman will be convinced, how little merit was due from that happy and glorious revolution, as it hath been termed, to the person he is so great an advocate for, and how little deserving I am of the grand characteristic of a principle he is so unwilling to express, otherwise I am afraid he will but prove himself to be the person he would represent me; as for his appeal to the world, if, by the world, he appeals to the impartial, I thank him for the justice and honour he designs me, in leaving the world to judge of my conduct, being, in such case, little concerned whether I have his assent in the number.

What I have already remark'd in my former and preceeding part of this paper, of Mr. *Draper*'s coming prepared to oppose all reasonable measures, is in no manner refuted by him, notwithstanding the professions of his sincerity, and the uprightness of his intentions. These will be better judged of by facts than words, and until something more pertinent and convincing is offered to the contrary, my remarks will hold good, as well as the opprobrious terms I made use of in regard to another person's character, which this board may be pleased to remember, was in answer to an injurious reflection this gentleman made upon ourselves, and which he has the modesty to repeat, although he then, with some difficulty, escaped the severest censure. As

to his instance of his resignation in favour of Mr. *Law*, he may enjoy the fancy'd praise of it, though the same reasons he gives for preceeding of Mr. *Law*, would serve for preceeding of them both, if the ords of our masters orders had been observed; but to avoid disputes, I resigned to two; and this I would have the gentleman remark as another instance of my turbulent and mischievous disposition, and unwearied endeavours to keep up divisions.

This aspersion, boldly as he makes it, is notwithstanding so false and of so heinous a nature, that I must entreat your honour, &c. to do me justice, by obliging this gentleman to give his particular reasons why "I ever have, and still appear so ready for sowing divisions among you." This charge, I own, (if proved upon me) will make me unfit, I will not only say to sit at this board, but even to have any residence among you; and therefore, however conscious I am to myself, of never having used, or thought of any other endeavours to keep up divisions, but by disapproving of such measures and proceedings, as, to me, seemed dangerous, or prejudicial to the honourable Company's affairs, yet, as I apprehend, our honourable masters cannot but be surprized at so daring a charge, even at the board, where it must be supposed no reasonable or good man would offer it, without just grounds, I must, for the satisfaction of our honourable masters, and yourselves, and in justice to my own character, claim the authority of your commands, to oblige him to give his reasons for so bold and scandalous a charge; nor will you, I hope, think me too severe, if I offer it as my opinion, that, in justice to ourselves, we might very well resent the affront he a second time offers us, in putting us on a footing with a person who is accused of dishonesty, both in his publick and private capacity. After thus loading me, in particular, with infamy, he is pleased to introduce

produce a supposition as disrespectful to this board, as 'tis groundless, and deserves no other answer than what I have observed before, that our duty calls upon us to, make the enquiry; and since Mr. *Lowther's* behaviour has made it necessary, he, alone, is answerable for the ill consequences; and whether Mr. *Draper*, upon this occasion, may think me the person capable of using all the wicked arts, he supposes, to take away another gentleman's good name and interest, gives me little concern; for I profess I have no such intentions; yet, if any thing of this nature happens, by my endeavouring to discharge my duty to my employers, it is a misfortune he has brought upon himself, and no ways intended or desired by me. I cannot, however, conclude without making one remark more, which is, that if these suppositions of Mr. *Draper's* be duly considered, with the declaration he has before made, that I have always, and do still keep up divisions among you; I say, these compared with his behaviour in general, and without a full and clear explanation of this second heavy charge against me, the impartial will find too much reason to believe him to be the very person he describes, where I shall leave him to give more convincing proofs of his sincerity, and friendly disposition, than from his writings can possibly be discover'd.

I am, most respectfully,

Honourable Sir, and Sirs,

Your most obedient

Bombay,

March the 16,

1735-6.

humble Servant,

JOHN LAMBTON.

N^o 27.*Extracts of Consultation the 2d of April, 1736.*

THE president observes to the board, that as Mr. *Lowther* had, in so extraordinary a manner; contrary to the rules and orders of our honourable masters, made his escape, and he being also largely indebted to them, and others, and not having settled his accounts, the president acquaints the board, that he thinks it our duty to protest against him, in behalf of our honourable masters; and as we are credibly informed, that Capt. *Abraham Roberts*, commander of the *Carolina*, received him on board that ship, designing to assist him in such his escape, by carrying him to *Bussorah*, the president proposes that we protest against him also, declaring him answerable for all damages, &c. that may accrue to our honourable masters, by such his proceeding; which being agreed to by the rest of the members of the board, directed that protests be sent to the attorneys of Messieurs *Lowther* and *Roberts*, in the form following this consultation.

And as Mr. *Lowther*, by such his elopement, has not only forfeited his seat at this board, but all manner of pretensions to the honourable Company's service, directed that the allowance of diet and salary to him cease from the 22d *March* last, the time of making his said elopement.

The president then acquaints the board, that when Mr. *Braddyll* came ashore, he informed him, that in his passage down from *Surat*, he sent one of the Company's gallivats to *Damaun*, to enquire for

letters; and the master, on his return aboard, told him he saw Mr. *Lowther* at *Damaun*, and spoke to him; and immediately, upon this information, he (the president) dispatched a letter to the general of the north, requesting him to secure Mr. *Lowther*, with his effects, in order to deliver him up, conformable to the agreement at present subsisting between the two states.

John Braddyll, Esq; now lays before the board, a representation of his proceedings, in enquiring into Mr. *Lowther*'s conduct, (as entered hereafter) the farther consideration whereof, is deferred to another opportunity. But as he therein accuses Mr. *John Robinson* of being privy to, and an accomplice with Mr. *Lowther*, in some unfaithful practices, and other unjustifiable proceedings, contrary to his duty to our honourable masters, it is directed that the secretary draw out a charge against him, from Mr. *Braddyll*'s said representation, to be laid before us at our next meeting.

Messieurs *Ramsden* and *Hamilton* do now give in a very extraordinary letter, (as entered hereafter) wherein they are so far from making a suitable submission, and retracting their protest against Mr. *Braddyll*, that they persisted in their past conduct, and confirm their protest against Mr. *Braddyll*, for sending Mr. *Robinson* down to *Bombay*, terming the same contrary to the Company's interest, as well as their established orders, by which (as Mr. *Braddyll* was amply empowered by us) they not only arraign our proceedings, but call our authority in question. Whereupon the president does repeat his opinion, that they remain, as they have thrown themselves, (notwithstanding what they pretend) out of the honourable Company's service; and that from the day of their refusing to act, they are not entitled to any allowances. Messieurs *Taylor* and *Percival* say, they are of opinion that Messieurs *Ramsden* and

Hamilton, by quitting their seats, did not throw up the Company's service : whereto Mr. *Braddyll* replies, that had they not turn'd themselves out already, he thinks the letter they have now given in calls for their dismissal ; and on the whole, the board confirms their former resolution, that these two gentlemen, Messrs. *Ramsden* and *Hamilton*, remain out of the honourable Company's service, since they have not thought proper to make the reasonable condescension we required from them before they were re-admitted. And as Mr. *James Ramsden* kept the honourable Company's books at *Surat*, and made several false entries therein, we think that circumstance alone sufficient to warrant our dismissing him from the service, had he not thought proper to throw himself out of it.

Mr. *John Robinson* presenting a letter to the board, desiring to be admitted to the vacancy in council occasion'd by Mr. *Lowther's* departure ; it is agreed to defer giving an answer thereto, till we have consider'd of his answer to the charge that will be exhibited against him.

No 28.

Protest against Mr. LOWTHER.

WHereas we the under-written president and council for affairs of the United Company of merchants of *England* trading to the *East-Indies*, in the presidency of *Bombay*, being inform'd of sundry unjustifiable actions committed by you *Henry Lowther*, Esq; while Chief for the said Company's affairs in *Surat*, contrary to your duty and the trust reposed

reposed in you, did think it necessary and convenient to divest you of the authority of your said station, till your conduct should be enquired into, and that you had clear'd yourself from such acts of unfaithfulness to your employers as should be laid to your charge, and appointed *John Braddyll*, Esq; supravisor, with full power to make the said enquiry, for which purpose a commission was given him by our authority, wherein all servants and others belonging to the said Company, or trading under their protection, were required to pay due obedience to him; and you being, by your covenants with the said Company, bound and obliged to follow the orders of their president and council, or chief and council, for removing from one factory to any other they may think proper to direct; and whereas about the 5th or 6th of *March* last, you were order'd by *John Braddyll*, Esq; supravisor, &c. factors for the said Company's affairs at *Surat*, to repair to this place on the ship *Cowan*, which order you, in a very unwarrantable manner, contrary to your engagements to the said Company, and in direct contempt of their and our authority, evaded complying with, by privately and clandestinely making an escape from under their jurisdiction; and you the said *Henry Lowther* being indebted to the said Company to a very considerable amount, which you have refused to give any satisfaction or security for: for these, and several other reasons that occur to us, be it known to all persons whom this present writing doth or may concern, that we the said president and council, for and in behalf of the said Company, ourselves and successors, do hereby protest against you *Henry Lowther*, Esq; for all suits, actions, charges, losses, damages, and dangers whatsoever, which our said honourable masters, their president and council, supravisor and council, or their successors, respectively have already suffer'd,

or

or hereafter may suffer, on any account whatsoever, by such your clandestine and unwarrantable proceeding. Sign'd in *Bombay-Castle*, this 2d day of *April*, in the 9th year of the reign of our Sovereign Lord *George the Second*, King of *Great-Britain*, &c. *Anno Domini 1736*.

John Horne.

George Taylor.

John Braddyll.

George Percival.

John Lambton.

N^o 29.

Mr. BRADDYLL's Report of his Proceedings at Surat.

Honourable Sir, and Sirs,

IN pursuance of the commission of enquiry, and accompanying instructions, to proceed to an examination into the public management of affairs at *Surat*, under the direction of the late Chief, *Henry Lowther, Esq*; which your honour, &c. were pleas'd to appoint and name me, with competent powers and authority to execute; I have now the honour to lay before you my final representation of such things as, in the course of my enquiry, fell under my cognizance, which, for the greater clearness and order, I have rang'd under the heads taken from my above-mention'd instructions; to which I have added such other mixt matters as are not properly deducible under them: I have concluded the

the whole with some remarks, arising from an exact view of the general state of the honourable Company's affairs at their factory in *Surat*.

As Mr. *Lowther's* outrageous, unexampled conduct, (and which I can only account for by imputing it to madness and rage at the detection of his guilt) has absolv'd me from any care or pain about his future objections or calumnies; I shall only briefly and fully refute the charge of partiality and unfairness he has brought against the prosecution of my enquiry. I declare then, and appeal to every person hereafter-named, who has assisted me in the necessary discoveries, that their information was frankly and voluntarily delivered in to me, and their respective examinations taken with the greatest candour and truth, as I beg and request your honour, &c. will be pleas'd to make a just and severe enquiry into; and I am persuaded your honour, &c. will find the whole representation uniform, and perfectly agreeing with itself, as well as the whole tenour of that gentleman's conduct, which I have been heartily tired and ashamed of raking into.

Our honourable masters will see their suspicions, of a constant series of misrepresentations from *Surat* factory, verified, from an examen so impartial, that I have been obliged chiefly to their own Diaries for my sentiments thereon: and truly there hardly appears one material transaction upon those registers, wherein, by the plainest reasons or evidence in the world, may not be pronounc'd, that our masters credit, estate and honour, have been even grossly and palpably either injured or neglected, thro' wilful corrupt views, or a supine ignorance of their interest.

And surely, if Mr. *Lowther's* dismissal was barely to rest on the articles of misapplication of his masters cash, which were prov'd to a demonstration.

stration before your honour, &c. proceeded to his suspension (without mentioning his private insolvency, and load of debt, which is another sufficient disability) he could not, with any reason, complain of his removal from the service, which then became unavoidable, without engaging your honour, &c. as accomplices in his guilt: And I humbly presume, the other branches of his charge are chiefly calculated for the redress of the injur'd, and prevention of the like evils for the future, than that they were necessary to explain and prove towards aggravating his censure; or satisfying the world of its justice and necessity.

ARTICLE I.

Misapplication of the honourable Company's cash, arising from the sale of the raw silk.

Samboodass Narfindass, the honourable Company's Shroff, examined, declares, That some time in *March 1734-5*, *Mr. Lowther* and *Jaggernaut* ordered him to receive the amount sale of some raw silk belonging to the honourable Company, and to bring the same to *Mr. Lowther's* account; agreeable to which this examinant receiv'd sundry sums on the prementioned account, as follows, viz.

1734-5, <i>March 6</i> , receiv'd from <i>Hacumatra</i>	5375
7th ditto - - ditto - -	3000
8th ditto - - ditto - -	4400
9th ditto - - ditto - -	9100
10th ditto - - ditto - -	16135
11th ditto - - ditto - -	7990

Rupees 46000

which amount the said examinant made good to *Mr. Lowther's* private cash, and he ordered him to pay the same away on sundry occasions, for his own use

use and convenience ; which he can affirm positively, as he kept the account of Mr. *Lowther's* private cash, distinct from that of the honourable Company.

Jaggernaut examined, confirms what he alledg'd before your honour, &c. upon this article, as well with regard to Mr. *Lowther* as Mr. *Robinson*, who kept Mr. *Lowther's* books, who return'd the examinant for answer, when he expostulated with him on the unfairness of this proceedure, That he had orders for what he did. And therefore I here charge Mr. *Robinson* as his actual accomplice in this breach of trust, in misapplying our honourable masters cash.

ARTICLE II.

Of Lead said to be sold Vendravan Lolljee.

The broker affirm'd at *Bombay*, that this lead was sold and deliver'd to him : but Mr. *Lowther* attempts to escape this part of his charge, by saying it appears on his books the lead was his own that he sold the broker, and that *Vendravan's* lead was still in the Latty. On this representation, I order'd the warehouse-keeper to take charge of the same in part of payment, but find by his account there is no more than one hundred and forty slabs and twenty-four pigs, viz. four hundred twenty-two *Pucca Maunds*, and eleven and a half *Seers* ; and on the whole remark, that the lead *Vendravan Lolljee* bought of the Company consisted of slabs only, and the weight of what now receiv'd coming so far short of the parcel he bought, and disagreeing in quality, I am under a necessity of concluding yet, that the brokers asseveration is just, and Mr. *Lowther's* the contrary.

But to make this matter more plain, I order'd *Jaggernaut* the broker, on his arrival, to prevail on *Vendran* to repair to *Surat*, that I might question him thereon; but was answer'd, that his circumstances were such as did not admit his appearance there: so that I have no recourse but to the above four hundred twenty-two *Pucca Maunds*, eleven *Seers*, for which I have order'd *Vendran*'s account to have credit.

ARTICLE III.

Bills for Rupees twenty-five thousand, obtain'd by Mr. Lowther on his private account from the brokers, on their Dilly concerns, before appropriated to make good the honourable Company's demands.

Lolla-se Sunker, of *Surat*, merchant, in whose favour said bills were drawn, towards compleating payment of the debt on an interest-note which had been demurred to, declares, That *Jaggernaut* broker to the honourable Company, gave him bills on *Anoopray Chettamab*, his Vakeel at *Dilly*, to that amount, which he accordingly sent to his broker there to receive, who has advised him that they are not yet honour'd, nor likely to be so. He says that he saw the letter sent by *Jaggernaut* accompanying the said bills, wherein no mention is made of stopping payment of the said bills, until the last Lack of the *Bengall* remittances should be clear'd.

Jaggernaut, the broker, on my order to put a stop to the above payment, sent me for answer, That his Vakeel advises him, that six thousand *Rupees*, in part of those draughts in favour of *Lolla-se Sunker*, would be made good; but that the remaining nineteen thousand *Rupees* would continue undischarged, for want of cash; for which reason
the

the bills were return'd, and that he promis'd to take them up forthwith, and write to *Dilly* to stop further payments of this kind.

Mr. *Lowther* is not alone culpable for attempting the misapplication of the above twenty-five thousand *Rupees*, but indeed the broker, who had often assured us, that the two Lack of *Rupees* ordered to *Bengall* should be discharged out of his effects at *Dilly*.

To excuse himself in part he likewise asserted, that the bills were not drawn by him, but his younger brother : whereas, such bills as were return'd, appear'd sign'd by himself, as the attested copies thereof, ready to be presented herewith, will plainly shew ; which is a premeditated falsity.

ARTICLE IV.

Quere, Whether the amount of the first parcel of woollen goods, purchased by Mr. Lowther, was paid in ready money or transfers ?

Towards the clearing up the nature of the payments pretended to have been made on the pre-mentioned account by Mr. *Lowther* to *Jaggernaut*, towards carrying on the honourable company's investment for that year, I extracted the several sums as they stand on the factory books, under their respective dates, for which Mr. *Lowther* credits himself, viz.

	Rupees.	Qrs.	Pice.
1734, April 30th. by cash paid the broker }	100000	:	:
May 31st. by ditto - -	55000	:	:
July 31st. by ditto - -	10101	:	: 8
	Rupees 165101	:	: 8

Upon which I put the following queries to the broker *Jaggernaut*, and minuted his answers duly, as follows.

Quer. I. Did Mr. *Lowther* pay you the several sums above-mention'd in cash?

An. " I receiv'd part at times by sundry transfers upon the purchasers of the honourable Company's broad-cloth, and the remainder, being near seventy thousand *Rupees*, stood on the books in my name, but were never paid me.

Quer. II. How came the residue to appear on the said books in your name?

* *An.* " Some part of the investment was deliver'd out to be compleated by *Cojab Melleck* and *Nagur Cottab* of *Surat*, merchants; but how, and in what manner the money was advanc'd, I know not, but the same stands in my name: I heard indeed, and believe, that they took a quantity of goods off his hands, but cannot positively say that they were in part of the investment. I told Mr. *Lowther*, at the time he took the investment off my hands, and put it into theirs, that I might date the entire ruin of my credit from that juncture; which the event has since confirm'd."

Here I must remark, that the entries in the books of so much cash paid the broker, appear to be made at Mr. *Lowther's* discretion and pleasure; without any form or regularity, and not as the sums were really transacted, with their several dates and amounts.

* Compare this declaration with Mr. *Lowther's* answer, page 16.

ARTICLE V.

Quere. *Whether, and to what amount Mr. Lowther has lessened the brokers debt, and increased theirs to the Company?*

The entire clearance of this question depends on the broker's producing his accounts with Mr. *Lowther*, which I ordered him to do, and he obstinately refused; not only against his duty to the honourable Company, but against reason, and the custom of the place: which, though it is against showing or publishing a merchants books, nevertheless allows of extracts of particular accounts, towards ascertaining any disputed right, or question of fraud; nor can his refusing them thus unreasonably, admit of a good construction.

So much, however, appears plainly, that Mr. *Lowther*, by taking to himself the forty-six thousand rupees, in part of the amount of raw silk *per King William*, and debting the broker's account for the whole, under the 13th of *March*, 1735, must certainly increase the broker's debt to the Company by so much, and lessen it to himself. The same is likewise evidently the case, in his endeavouring to apply the broker's money at *Dilly* to his own use, by procuring bills on the *Vakeel* for twenty-five thousand rupees, in favour of *Lolla-se Sunker*, which, by good fortune, are not above a quarter paid; otherwise Mr. *Lowther's* affairs would, undoubtedly, have benefited to the above amount, and the broker's desperate concerns been rendered so much the worse. This procedure, then, is an open act of injustice, and a manifest breach of trust; since Mr. *Lowther*, not once but often, had been told, that that part of the broker's estate at *Dilly* was appropriated towards making good the *Bengal* remittances;

tances; and even allowing them to be compleated, which is not yet done, I cannot admit, that Mr. *Lowther* has any title to receive the least part of the broker's estate, preferable to his other creditors, and especially his masters and employers.

ARTICLE VI.

The true reasons for the deficiency, as well in quantity as qualities of the investment for some years past, and particularly the last; and in what manner the money towards carrying them on has been advanced.

On making a strict enquiry into the matters of this article, I find that part of the deficiency ought to be laid upon several external causes, in which Mr. *Lowther* has no share of blame, such as the late mortality among the workmen, the inexperience of the workmen, raw and new to the fabric, and the troubles of the country, almost constantly harass'd and destroy'd by the *Gbenims*; which may reasonably be supposed to have influenced both the price and sort of the investment.

The blame which seems justly to be imputed to the late chief, on this head, arises from his advancing the money to the broker's (towards carrying on the investment) tardily, and in small sums, which must needs prejudice its dispatch, and be a disadvantage to those employ'd in carrying it on: and there is now above a third of the investment actually outstanding, begun *anno* 1735, which ought to have been ready in *January* last. And towards clearing up how the money was advanced for carrying on the said investment, I extracted the entries of payment of cash to the broker *Jaggernaut*, under their respective dates, viz.

Mr.

Mr. Lowther is credited.		
1735, July 26th, by Jagger- naut's account of investment, advanced	} Rupees	100,000
November 29th, by ditto		50,000
December 31st, by ditto		20,000
		Rupees 170,000

And thereupon I put the following query to Jagger-
naut.

Quere. How and when were the above-written
sums advanced you respectively; was the whole, or
part paid you in money, or goods?

Answer. "I received the same in money, but
" although I appeared debted, in July, 1735, for the
" first lack, yet I had not then received the whole;
" and what I did receive was at several times, and
" in different sums: nor was the same compleated
" until after Mr. Lowther returned from Bombay,
" the latter end of September last: the other sums
" were likewise made good at divers times, and
" there still remained due to me betwixt four and
" five thousand rupees from Mr. Lowther, upon
" that account, though he appears credited for the
" whole, upon the factory books."

It is here to be noted, that though the broker, in
the above answer, declares, he had received the to-
tal in cash, when I asked him if the lead sold him
by Mr. Lowther was not in part of the investment,
he could not deny but it was; and when I pointed
out this prevarication to him, he answered, that
goods and cash were the same thing. Though I
made that distinction positively in my question, and
with very just reason, as I apprehended, that when
goods are put upon a broker, by a chief, at his
price, the investment is very little favoured by the
contract, with regard to our honourable masters.

I am under this head to remark, that the fears and prejudices of the merchants in general against our factory, and the service of the *English*, appear very plainly from the success of the public notification affix'd at the gates for three years successively, to invite the merchants to undertake the honourable Company's investment: and altho' the same used to be courted, as matter of honour and profit, not a single merchant offer'd his service.

The reason why our service became exposed to this scandalous slight and neglect, appear plainly, owing to the practices of the late chief, as they are partly set forth in the 12th article, to which I beg leave to refer.

ARTICLE VII.

Quere, Whether the present brokers, after their father's death, paid off their other creditors preferable to the honourable Company, and to what amount; and whether this was done by the advice, direction, or connivance of Mr. Lowther?

I gather'd from the merchants, and especially from *Kursundass* and *Lolla-se Sunker*, that they were certainly inform'd of their having, just after their father's death, about five lack of *Rupees* in goods and money, which they publicly disposed of, and satisfied some of their creditors with the produce of the sale; and that amongst the rest, they receiv'd their debts at that time, to wit, *Kursundass* sixty thousand *Rupees*, and *Lolla-se Sunker* about forty thousand.

Jaggernaut examin'd on this head, declares, that they paid in general to their creditors in the city, betwixt four or five Lack of *Rupees*, immediately after his father's death; and that he excus'd himself to Mr. *Lowther* for not clearing with the honourable Company at that season, by assuring him, that

that he must break directly, if he press'd him on their account.

Their books, if produced, (which they positively refuse) would determine the amount then clear'd off, which was unavoidably transacted with Mr. *Lowther's* connivance, though I cannot find that it was by his advice or direction.

ARTICLE VIII.

Quere, Whether the balance of cash in specie in July 1734, or at any other time, agreed with the books; also, whether fictitious entries and transfers are made therein, and who benefited thereby?

Shamdeffs Waffendass, late Shroff to the honourable Company, being examin'd, and order'd to produce his cash accounts with the Company, makes it plain, that the last of *July 1734*, there appear'd a balance of cash of thirty thousand six hundred fifty-five *Rupees*, and twenty-six *Pice*, which he was order'd by Mr. *Lowther* to set down as a real balance of specie, whereas there was truly a very inconsiderable sum in the chest; to manifest which, he was directed by Mr. *Lowther* to pay out of his own proper money, the steward's account for *July* (see account cash *August 5. 1734*) amounting to *Rupees* eleven hundred eighty, and twenty-three *Pice*, which had not been paid him to the day I examin'd him upon.

He added, that he set down the balances just as Mr. *Lowther* directed him, though he repeatedly asserts, that there was but a trivial sum in chest *July 1734*.

Mr. *William Lowther* being call'd, and interrogated concerning the article of *Rupees* eleven hundred eighty, and twenty-three *Pice*, above-mention'd, said to have been paid him (as steward) the 5th of

August 1734, answers, That he did not receive the same, but that the payments mostly pass'd thro' the Shroff's hands, though he appears the receiver on the books, which proves an irregularity and confusion in the transactions of the accounts of the factory books, that our honourable masters can never approve of, as the presumption of fraud and unfairness is strong against them.

Samboodass Narfindass, the honourable Company's present Shroff, being interrogated, declares, that the first of *August* 1734, he receiv'd over the charge of the honourable Company's cash, at which time there appear'd a balance of *Rupees* thirty thousand six hundred fifty-five, and twenty-six *Pice* upon the books, which Mr. *Lowther* told him to write into his cash-book; and the entries thereof being entirely under the chief's direction, he set down such a balance then, and afterwards, as he was order'd; but that there did not appear to him any quantity of real specie, belonging to the honourable Company, actually in the chest; and that the cash accounts generally consisted of transfers betwixt Mr. *Lowther* and the brokers, which were far from being equal to ready cash: to demonstrate which deficiency, he says, that at the times such balance appear'd in the cash-book, viz.

		<i>Rupen.</i>	<i>Qrs.</i>	<i>Pice.</i>
<i>June</i> 30 th 1735,	- - - -	16021	:	51
<i>July</i> 31 st .	- - - -	18056	:	42

as so much real cash: Mr. *Lowther* obliged him, and likewise applied to other merchants, to advance him the money on his own credit, towards clearing the factory accounts and expences, and on which, and other accounts, Mr. *Lowther* is still largely in his debt.

From hence may naturally be inferr'd the truth of what I have before remark'd, That the entries upon

upon the books, which amongst all fair and honest merchants are faithful registers of their real transactions, were absolutely nothing but a chain of fiction and falsity, as only one spurious entry must occasion, inevitably, a confusion throughout the whole composition of them. And here I ask, was it for the honourable Company's credit or honour, that there should appear such marks of indigence, and such necessitous applications for money to carry on their current business, when the cash appear'd on their books sufficient to answer their occasions?

ARTICLE IX.

Quere, Whether there be any foundation for the scandalous aspersions prevalent with some people at Surat, That the English were the causes of Mahmud Ally's misfortunes, and the ruin of that family?

From a review of the Diary of the civil war in 1732, in which the *English* were so deeply and (as I shall in course demonstrate) unnecessarily involv'd, I have collected, that *Mahmud Ally*, being the greatest merchant of *Surat*, was first mark'd out by *Sorab Caun*, the governor of *Surat*, as a prey for his avarice; of which *Mahmud Ally* having timely notice, prepared for his defence, and engaged a number of principal merchants into a common cause and confederacy against the intended oppression, with a promise to bear all the expences of the opposition. He is afterwards represented as perfidiously abandoning the engagement he had himself set on foot, refusing the supplies expected by his allies, according to the tenour of his promise, and even giving refuge to the deposed governor in his castle at *Otway*, situated about half a mile out of the city; after which he was seiz'd and made prisoner,

soner, by the new governor *Teg Beg Caun*, when he went on a visit to him at the *Durbar*.

This is the substance of the Diary, to which I appeal, and which to these accusations joins that of a villain, a disturber of the peace of the city, formidable to its government by his wealth, and the number of his followers and retainers employ'd by him in his immense trade and numerous shipping.

These are the colours and pretexts which are given for the share the *English* evidently had in the fall and destruction of that great and powerful merchant, who (as no body doubts) was barbarously murdered in prison, after a seizure of his person at a visit to the new governor, in breach of all faith and trust, and the greatest part of his vast estate became a plunder and prey to the new governor.

I shall now subjoin the fair and true representations, which a very cautious and guarded enquiry into this fatal tragedy, from the most credible and intelligent persons, has furnish'd me with, of the reasons and causes of the seeming inconsistency of *Mahmud Ally's* conduct; which I esteem necessary to precede my notice of the blame (it will appear undeniably) that Mr. *Lowther* has justly incurr'd on this occasion.

Mahmud Ally, when he had thus set up an opposition to the governor, by forming a league, which our factory was likewise drawn into, on his promise of bearing the whole charges of the contest, finding it continue longer than he expected, and himself engaged with a party who inclined to carry matters to a greater length than he had intended, which was not to ruin *Sorab Caun* entirely, but to bring him to reason, he began to slacken his supplies, and to fall off from the league; which, in my opinion, against the rules of reason and equity, construed his first promise of bearing himself
the

the expences of the opposition, in an unlimited sense, as an engagement and obligation to be the sole paymaster of the war, should it last never so long, or the expences be never so burthensome, or even ruinous, to his private fortune, whilst the cause was a common one; or else certainly the *English* had no business in it. And when the governor was deposed, and absolutely expell'd the town, then, as *Mabmud Ally* found his enemies were bent upon plundering him of every thing, he, who was his chief creditor, and therefore in point of interest, as well as by an old friendship, engaged not to see him irretrievably ruin'd, gave him, and only four of his retinue, refuge in his aforesaid castle at *Ot-way*, which was upon that account, with the assistance of the *English*, besieged, afterwards deliver'd up, and razed to the ground.

I shall not here take upon me to assert, that *Mabmud Ally* was wholly free from blame, neither can I allow that he deserv'd all those injurious and hard names, bestow'd on him in the pre-mention'd Diary: but I am persuaded, no one will think he ought to have been perfidiously put to death (as he unquestionably was) or even detain'd prisoner for life, after he had been thus weakned and reduced by the assistance of the *English*, who ought certainly then to have exerted all their power and interest for his safety and preservation, for which, from many other obvious reasons, I shall only select one set down here, which, I presume, will appear unanswerable.

Mabmud Ally, perhaps the greatest merchant in the universe, and grandson to *Abdull Gafour*, so famous in this part of the trading world, was owner of a great number of large ships, stock and block solely his own, and by the means of his great wealth and power, was a strong counterbalance to, and check upon an arbitrary governor of the city, and

and however he might use others, every ship he had was a certain pledge for his good behaviour to the *English*, and, in good policy, they ought to have dreaded nothing so much as losing, by his destruction, that apparent influence they had, by his means, over the whole city of *Surat*. I allow, indeed, that his large trade at *Mocha* might too much interfere with some gentlemen's private concerns at that port ; but his entire ruin was no just or honourable policy, whilst (I repeat it) the honourable Company's interest, and the *English* credit and power, suffer'd deeply on this fatal occasion.

Had the *English* then interpos'd, as they ought to have done, *Mahmud Ally* had indisputably been releas'd and safe ; whereas their impolitic and needless activity at the first, and their supine negligence afterwards, disarm'd and gave him up to the inveterate malice and revenge of his enemies ; and *Surat* deeply resents his loss to this day : nor is our nation exempt from great blame and odium upon this occasion : and I shall now show Mr. *Lowther's* share in it, from his own Diary, that he may not complain of a misrepresentation.

Nizzamull Mulluck, formerly call'd *Chicklis Caun*, the greatest and most powerful *Omrah* in *Indostan*, sent *Teg Beg Caun* a mandatory letter to release *Mahmud Ally*, not without taking the greatest caution and security for his future good behaviour. This order *Teg Beg Caun* communicated to Mr. *Lowther*, with the answer he had prepared to this message, which was to be sign'd by himself and all the merchants ; the purport whereof was a grievous accusation of *Mahmud Ally*. Mr. *Lowther* proposed the same to be sign'd by the *Dutch* director, who peremptorily refused his concurrence to such an instrument, for very solid reasons ; after which Mr. *Lowther* officiously offer'd to sign a representation against the said *Mahmud Ally*, in conjunction with

with some other merchants. This procedure of Mr. *Lowther's*, join'd to several harsh expressions against the unfortunate prisoner at that time, if they did not even encourage the dispatching him or his bare detention, appear at least to me visible proofs of a cruel and impolitick indifference for the safety and preservation of a person, in which the honourable Company's, and the *English* interest in general, were so clearly concern'd.

A R T I C L E X.

Quere, Whether the quarrel between Cowjee and Monackjee, of the Rustum family, was not a pretext made use of to stop up the Bar with the ship Heathcote, &c. and whether that affair was fairly represented from Surat?

According to the best intelligence I could arrive at on this point, I find that Mr. *Lowther* owed *Nowrojee Rustumjee* of *Bombay*, merchant, deceas'd, a large sum of money, for which his said creditor was urgent and positive in his demands of payment about the latter end of the year 1733, and Mr. *Lowther*, finding he would take no denial, paid him off, partly in money, partly by assignment of his share of a ship, which, though esteem'd a disadvantageous clearance, *Nowrojee* thought best to accept of, and Mr. *Lowther*, from thenceforward, notoriously commenc'd an open enmity with him and his: and a family quarrel that had broke out betwixt *Cowjee* and *Monackjee*, the son of *Nowrojee*, then at *Surat*, became the pretext to involve the latter in an accusation of being the cause of the disturbances that afterwards broke out betwixt the governor of *Surat* and our factory. The stopping of the Bar follow'd, and throughout the *Diary* kept of that transaction, constant endeavours and

and pains are taken to lay the whole blame upon *Monackjee*; and a truly curious protest was sent him upon that occasion, to which (it there appears) that he return'd an answer full of due submission and obedience, and conformable thereto took a discreet and laudable resolution, to proceed instantly, at all hazards, over land, for *Bombay*, there to be judg'd by the authority of the *English* government: and the story of his receiving a Shawl at the *Durbar* on his departure (as mention'd in the Diary) is mere fiction, and exactly of a piece with the other imaginary crimes laid to his charge.

I am the more convinced, that private resentment bore at least some part in the stopping of the Bar at that juncture, from the nakedness of the principal pretext, which was the recovery of a sum of money due from the governor *Teg Beg Caun* to *Jaggernaut* our broker and a *Mogul* subject; as I shall show there was no occasion for proceeding to this extremity, or at least that it must appear a monstrous injustice in *Mr. Lowther*, however innocent it might be in any other person. On the demand being made, *Teg Beg Caun* justly observ'd, that though he might be indebted, as he was, to our broker *Jaggernaut*, it was an odd way of treating the governor of a city, to settle his account by force of arms; and even offer'd security to pay the balance on the withdrawing this disgraceful compulsion. But *Mr. Lowther* (even that gentleman, who was not ashamed a short time after to deny the jurisdiction of a court established by his own sovereign) pleading that the same was an invasion of the privilege of this very individual *Teg Beg Caun*, refused admitting the demurrer to the jurisdiction of his court held on board the *Heathcote* at the Bar, and compell'd an arbitrary governor, in the heart of his own city, to an involuntary payment of a debt to his own subject; part

of which appears paid into our honourable masters cash that very month of *July 1734*, in which I find the imaginary balance of *Rupees* thirty thousand six hundred and fifty-five, and twenty-six *Pice*, by an examination of the Shroff. See Article 8th.

But as this plausible view of advantage to the honourable Company bore but little share in this expedition, neither did the final adjustment of it remove the stoppage of the Bar, &c. the preliminary was still wanted, which I have from *Abmud Cbellaby*, and other merchants: It was exacted from them, that they should sign a certificate, the purport whereof was, to charge *Monackjee Nowrojee* as the author and fomentor of all the troubles and disputes at that time; without which the ships, &c. were not to be releas'd. *Cbellaby* (as much a *Turk* as he was) disdain'd to accuse an innocent man, and tore the instrument that was tender'd him to sign in a rage, not without some just invectives against the promoter of such violence and injustice. However, his ship having been seiz'd and carried away to *Bombay*, and seeing no likelihood of recovering her, but by some degree of compliance, he at length came into the proposal of signing what was required. Can any wonder at *Cbellaby's* resentment of such a procedure, or imagine there was the least degree of candour in the representations that were sent to *Bombay*, of the rise, progress, and end of that affair? Which I aver, injured the honourable Company's interest and honour beyond measure, by making that expedition of stopping the Bar cheap and contemptible, which ought not to be employ'd but on the greatest extremities, and when all other means, previously tried, appear insufficient.

ARTICLE XI.

*Examen of the articles laid to Mr. Lowther's charge
by Teg Beg Caun, governor of Surat, anno 1734.
See Surat Diary for that year.*

I made it a matter of merit to the government, that your honour, &c. having taken into consideration the aforesaid articles, and their tendency towards creating a misunderstanding betwixt them and your honour, &c. had given me particular orders to clear up the same; and I desired them therefore to proceed to the proof of what was material in them; to which I receiv'd for answer, only a general condemnation of Mr. Lowther's conduct, his getting in debt to the merchants, and his screening their goods in the *English* name, by which means the King's customs had been defrauded to a vast amount; for clearing up of which they demanded a sight of our account customs, to be compared with theirs; to which they added, that they intended to prepare a list of the merchants who had benefited by this indirect concealment. This demand of theirs (however reasonable in a free country; under a regular government,) appear'd to me, by several expressions and circumstances accompanying the same, to be design'd not only to saddle a national debt on our honourable masters, (which pretension, if avoided and got over for the present, might yet in future, upon occasion, be revived again against us) but likewise to furnish themselves with a handle, to fleece and pillage the poor merchants, for which they are ever readily disposed on the least shadow of a pretext. I therefore believ'd your honour, &c. would entirely approve of my evading any further enquiry of this sort; the result of which might indeed either absolve or condemn
Mr,

Mr. *Lowther*, but in its effects and consequences, as before remarked, involve the honourable Company in fresh disputes, and add to the odium already contracted by our nation, among the merchants, should we expose them to any prosecution, on this account, from the government; therefore this article of fraud in the customs, rests as it did before, on the validity of *Teg Beg Caun's* charge, and Mr. *Lowther's* defence; and the other articles (to do justice to Mr. *Lowther*) I esteem inconsiderable, and sufficiently answered.

ARTICLE XII.

Quere. *Whether there is any reason for the gentlemen of Bengal their having complain'd of Mr. Lowther's monopolizing and destroying the trade of Surat, by indirect measures, and intimidating the merchants?*

Under this head are properly to be ranged all the numerous complaints I have received, since my arrival, of the frauds, violence, and rapine, exercised by Mr. *Lowther*, during his chiefship; out of which, I shall only select some few flagrant instances that yield in nothing to the practices of the most arbitrary eastern governments, and which have almost irretrievably prejudiced the credit and honour of the nation, as well as justified the complaints of the *Bengal* gentlemen, who have suffered in their trade, through the natural consequences of such a series of misconduct and oppression.

Mr. *George Williamson*, supercargo of the *Elizabeth*, gave me in the following declaration.

That himself, and Mr. *Baillie*, joint supercargoes of the *Shawallum*, arrived in *Surat* sometime in *February*, 1733-4, when they were introduced to Mr. *Lowther*, who told them, that they were come to a

good market, that every thing was free and open, with full liberty to buy and sell as they pleased; and addressing himself to Mr. *Baillie*, advised him to take the first offer, which was generally the best; without shewing any intention to become himself a purchaser. The next morning, the brokers, and other merchants of the city, crowded to the apartment of the declarant, who sold immediately about eighty thousand rupees of piece goods, and other merchandize, when it came into his head, to go and make a tender of his gruff goods (which are esteemed the choice of the staple) to Mr. *Lowther*, and he accordingly went to him that instant, and found Mr. *Lowther* walking in the hall of the factory, who appeared in a great passion; and when the declarant made him the tender, he made use of the under-mentioned expressions, in tenour and substance, as near as the declarant can remember; "that he would have nothing to say to them, (the "supercargoes) since they had not given him the "first refusal of the goods they had sold." To which the declarant replying, that he hoped he would pass it by, as the omission was owing to a mistake of his expressions the day before. Mr. *Lowther* then answered, in a rage, "*That he desired* "God might never forgive him, if he forgave them;" adding, "*You think you have done mighty well, in* "selling what you have of your cargo; but go home, "and see if a man dares enter your house, or receive "any of the goods he has bought; and if you think you "can get redress, I will give it under my hand, and "you may send it to the governor and council of Bombay, or have it sent home, and pasted up in Leaden- "hall-street; and I would tell the court of directors "myself, that I would not come here to suck my "thumbs, or let a parcel of rascals, (meaning the "English brokers) whom I protect, eat the bread out "of my mouth." Upon which the declarant went home,

home, and found, where he left above a hundred brokers and merchants, not one at his return: neither durst any man appear at his house, till, by intercession of friends, and the lowest acknowledgements, his anger was appeased the next day; and, in the mean time, two of the brokers, who were the chief purchasers, had been taken up at that juncture by the governments Peons, procured (as he was told) at Mr. *Lowther's* call; their names are *Ragoo Doddjee* and *Laccow*. The declarant also avers, that he was, in 1734, informed by several of the brokers, that Mr. *Lowther* had demanded two *per cent.* of the brokers, upon all goods purchased of the *English* merchants, to the great prejudice of the trade carried on by them. The declarant further says, he has, at several times, received many other hindrances, affronts, and indignities from Mr. *Lowther*, without any provocation, out of which he has only set down the above material one, as instances of the abuse of his power, and intimidating the merchants.

It is here to be noted, that the gentleman thus injured and abused, is a free merchant, who has carried on a very extensive trade, with the licence and permission of our honourable masters, and has some years benefited their customs near two thousand pounds, and, I think, the treatment he received may be set down as a mark of the late chief's unsufferable arrogance and abuse of his power, and post in the service; to corroborate the truth of which, I sent for the two brokers *Ragoo Doddjee* and *Laccow*, mentioned in the above declaration, who confirmed Mr. *Williamson's* allegations; they said they were instantly taken up by the government's Peons; on account of the purchases they had made of Mr. *George Williamson*; and precisely at that time, on an information given in to the *Durbar*, (but by whom they declared themselves ignorant)

norant) and that they were shortly after released, (as they were given to understand) through the intercession made by Mr. *Williamson* with Mr. *Lowther*; and they declare, that before that time it had not been the governor's custom to take cognizance of any bargains transacted by the merchants with the *English* supercargoes. They likewise aver, that Mr. *Lowther* had declared he intended to levy two *per cent.* on all bargains of goods bought by the private brokers of the *English* gentlemen, but that they never heard the same was actually collected.

Boydals Ragujee, a broker in the *English* service, declared to me, that, to his knowledge, anno 1734, Mr. *Lowther* insisted on two *per cent.* for his share in all purchases from the *English* merchants by the brokers, which occasioned their mentioning, in their contracts with the purchasers, that they should answer any such extra-charge to be laid on by Mr. *Lowther*; and when he, with some other brokers, asked Mr. *Lowther*, whether that two *per cent.* was to be levied upon the goods bought of Mr. *James Hope*, he bid them be gone, calling them rascals, for pretending to ask him questions, and that they might apply to *Jaggernaut*. He adds, that this imposition occasioned such a general clamour and discontent, that Mr. *Lowther* thought fit to drop it, and he believes and thinks, that the same was never levied, but that the market, in the mean time, suffered greatly by the public declaration of this intended exaction.

Naugur Cottab, a *Bramin* of *Surat*, merchant, gave me in the following narrative, which I set down in substance as received from him.

Sometime in *November*, 1735, Mr. *Lowther* asked him for a loan of ten thousand rupees, to pay some *Cambay* bills, which not caring to lend him, he pleaded a scarcity of money, and evaded the request, with which Mr. *Lowther* shewed himself very

very angry, and told him, "That he would not trouble him again, and that he (*Naugur*) should not make any application to him, in case of his receiving any trouble from the government." Whereupon *Naugur* left the factory, and staid away from it something above a month; when, on the 10th day of *December*, 1735, some Peons of the government brought him a message, or summons, to come to the Durbar, which he readily obey'd, and without any apprehensions of what followed. When he arrived at the Durbar, he was, by order of the governor's brother, *Golam Mahmud*, seized, his cloaths torn off his back, and his hands tied up to a beam with a cord, whilst two slaves beat him unmercifully with a bamboo; after which, he was confined in a dark room for three days, without eating or drinking, until he gave security to pay twenty thousand rupees to the governor, besides six hundred and forty rupees to the Durbar officers, for the payment of which, his goods were taken out of his house, and sold at what price the government was pleased to put upon them, until the sum was compleated; and, in the mean time, *Naugur's* son, *Lollbay Naugur* had applied himself to Mr. *Lowther* and *Jaggernaut*, to interpose, as usual, the honourable Company's protection for his father, as an *English* broker, who had even carried on a considerable part of their investment; to which, he received a faint and cool answer; and there was, afterwards, indeed a shew of intercession made openly, by sending *Jaggernaut* to the Durbar, which ended in the plunder of that sum. It was confirmed to him afterwards, by certain information given him, that this prosecution and pillage was owing to Mr. *Lowther's* resentment for his not lending him money, when asked. Sundry merchants of the greatest credit told him, that the governor *Teg Beg Cawn*, on being expostulated with concerning this violence,

violence, used against a merchant of the city, had declared publickly, that Mr. *Lowther* had, by the broker, intimated to him such a procedure would be agreeable to him. This report had such an effect, that several principal merchants expressed their abhorrence of setting the government on the back of a man, for refusing to lend his money, in the bitterest invectives against the *English* in general; and that it was no longer safe for any man of substance, or credit, to resort to the *English* factory, or engage in the *English* service, after such an example. The declarant likewise adds, that one of the *Dutch* company's servants mentioned to him the *English* share in the above treatment of him with detestation, and that some *Ghenims*, to whom he was known, on notice thereof, should say, "that as much *Ghenims* as they were, they would be ashamed of such a procedure." The said *Naugur* likewise declares, that he was told that on that very instant he was taken up, *Boany Sunchurr*, another merchant of the city, was applied to for a loan of money, by Mr. *Lowther*, who complied, out of fear of the same treatment, as he assured this declarant.

Lollbbay Naugur, son to *Naugur Cottab*, declared, that when he applied to *Jaggernaut* to interpose for the release of his father, he, amongst other things, told him, that he would use his endeavours, provided *Naugur Cottab* would lend Mr. *Lowther* fifteen thousand rupees.

Tarrwarry Sbroff, a merchant in *Surat*, of great wealth, and repute for his integrity, declared to me, that on his asking *Monack Chund*, the governor's Duan, (or secretary, and chief manager) concerning the abusing and plundering *Naugur Cottab*, an *English* broker, he replied, "It is not our fault, his masters, the *English*, put us upon it."

Boany

Boany Suncbarr, *Bramin*, and merchant of *Surat*, (mentioned by *Naugur Cottab* to be the man sent to by *Mr. Lowther*, the very day that he was seized and tied up at the *Durbar*) declared to me, that on or about the month of *December* last, *Mr. Lowther* sent for him, and asked him for the loan of a sum of money, which, being unwilling to give him trust for, he evaded it, by pleading the scarcity and badness of the times, at which he seemed very much displeased; and next day *Jaggernaut* advised him, that he had better comply with *Mr. Lowther's* request, than run the hazard of *Mr. Lowther's* giving him trouble at the *Durbar*, which he would not fail of doing, as *Teg Beg Caun* and he were friends; and it being reported publickly in town, that *Naugur Cottab* was actually at that time seized, and fleeced by the governor, for refusing to lend *Mr. Lowther* money; his fear of being involved in the same, made him choose to furnish *Mr. Lowther* a sum, for which he is still in his debt, without any hopes of recovery.

I am here to observe, that some of the above allegations contain matters of so criminal a nature, and so disgraceful to our nation, and the credit and reputation, which it is so important to the welfare of our honourable masters affairs at *Surat* to preserve, that the bare suspicion prevailing in the minds of the merchants, as it has confessedly and universally done, unattended with such circumstances as I have set down, which form the clearest proof, would be sufficient of itself to disable *Mr. Lowther* from being any longer of service, at least in the post of chief, in a place where such a scandal was fastened upon him.

And it will be proper here to mention the miserable, weak shift *Mr. Lowther* employed, to evade part of the charge relating to his treatment of the *Bengal* gentlemen.

It might very naturally and expectedly happen (as it really did at this juncture) that there was but one of the gentlemen in *Surat* who had more immediately suffer'd by Mr. *Lowther's* open practices, that ventured to trade to the Port this season: upon which he took the advantage of the occasion, and addresses a moving circular letter, directed to all the gentlemen supercargoes, and commanders of the *English* ships at *Surat*, setting forth the injustice of his accusation in the point prefix'd to this article, requesting their opinion and declaration concerning the same. This letter, directed indistinctly to all, was however omitted to be tender'd Mr. *George Williamson*, who had (as appears) the justest reason for complaint; and most of the others sign'd an instrument in his favour, which, I presume, Mr. *Lowther* means to value in his defence*: but if out of the list of subscribers were excepted such persons as passengers, and others, who never traded to the port during his Chiefship, or ever knew Mr. *Lowther* but by the civilities of a dinner, or such common superficial acquaintance, and such as were obliged by personal favours and engagements, the evidence would shrink to nothing, and this piece of management appear in its true light, an insignificant ridiculous attempt to impose on your honour, &c. a false and imaginary clearance.

ARTICLE XIII.

The true reasons of the deplorable state of the English trade and credit at Surat.

For a proof and incontestable argument how far Mr. *Lowther's* management and misconduct have

* As he actually did in his answer, page 20.

affected the *English* trade and credit at *Surat*, I need only appeal to the several declarations deduced under the foregoing article, and the natural consequences thereof: but I wish I could as easily remove, or commit to oblivion, the infamy and scandal fallen upon our nation, as I can demonstrate that gentleman the cause and author of it, from my enquiry into certain circumstances that attended the demurrer he put in to an interest-note under his *band* and *seal*.

Lolla-se Sunker, the creditor in that case, declared to me, that when Mr. *Lambton* arriv'd at *Surat*, in *October* 1734, about which time he was soliciting for the clearance of his note from Mr. *Lowther*, on the same being evaded, he resorted frequently to Mr. *Lambton* (who lodg'd at the new factory) as he was inform'd of his being of council at *Bombay*, and mention'd to him Mr. *Lowther's* refusing the satisfaction of his debt; which gave Mr. *Lowther* such umbrage, that he forbad him the entry of the *English* factory: for the truth of which he appeals to Mr. *Lambton* himself, whom he caus'd to be acquainted with this prohibition.

What pass'd afterwards on the subject of this demand, is too well known to your honour, &c. and to our honourable masters, to need recapitulating here: I shall only set down the natural consequences that I imagine might have been expected, as they really happen'd.

Lolla-se Sunker, on receiving notice that his application to the *English* court of justice at *Bombay* had been rejected, presented his complaint to the Mogul's court, by his brother and Vakeel at *Dilly*, against Mr. *Lowther* and *Samboodass*, the Shroff, who had furnished him with a frivolous and even ridiculous pretext to evade paying his interest-note aforesaid; upon which he obtain'd a royal order, directed to *Teg Beg Caun*, the governor of the city,

to seize the persons of Mr. *Lowther* and *Samboodass*, and send them up to *Dilly*; attested copy whereof I have in my hands, together with the translate, ready for the perusal of your honour, &c. Mr. *Lowther* was then at *Bombay*; but had he been at *Surat*, he was evidently liable to a lawful seizure and imprisonment; and nothing could or ought to have protected him from it, but the power, high rank and authority, which our honourable masters their Chiefs at *Surat* enjoy, and which were designed for the honourable Company's benefit and advantage, and not to protect their servants in such crying injustices and private breaches of trust.

Samboodass, the Shroff mention'd in the order, and who has little share of the blame, being under Mr. *Lowther*'s absolute direction, escaped the arrest of the governor's peons, who were sent in quest of him, by conveying himself into our factory, where he remain'd three or four days, till Mr. *Robinson*, with *Jaggernaut* our broker, had pacified the governor, with promises that the money should be paid, and the creditor satisfied on Mr. *Lowther*'s return. Here I find the honourable Company's factory and affairs liable to a broil of the most scandalous nature, on an occasion entirely foreign to their concerns or interest. And I am obliged to remark, that Mr. *John Robinson*, who had a knowledge of this order, and took upon him to accommodate this affair, had so little regard the fidelity he owed his honourable masters, and so little concern for their honour and interest, as not to advise his superiors at *Bombay* of a transaction of this prodigious importance! but the same was pass'd over in a shameful and criminal silence.

Mr. *Lowther* return'd from *Bombay*, when he was given to understand from the government, that as unwilling as they might be to proceed to extremities with an *English* Chief, they could not, in so plain

plain a cause, refuse any longer the execution of justice, in virtue of the King's order, if he did not immediately satisfy his creditor. Upon which message or notice, so scandalous for an *English* Chief to receive and *deserve*, Mr. *Lowther* sent for *Lolla-se Sunker*, who refused coming to the factory, after his causeless order to stay away, till he was prevail'd upon by the request and intercession of several persons. At length he went, and after a discourse and condescension entirely beneath the dignity of his post, not being in cash to discharge the whole, he paid a small part, and gave bond for the residue, which the merchant very justly refused accepting on his single security; to supply which reasonable want of credit, Messieurs *Robinson* and *Ramsden* became his joint securities in this fresh obligation; dated indeed in *Surat*, pass'd to an alien, and liable to another demurrer.

Need I add any reflection on this shameful transaction, in which the Chief of the affairs of a nation like ours, in so high a trust, laid himself open to an insult of this nature? When had he been seiz'd and dragg'd to a *Moorish* goal, your honour, &c. could not, with any shew or colour of justice, have interpos'd in his favour: and I may safely then conclude, that it is out of Mr. *Lowther's* power to make a reparation adequate to the loss of honour and credit occasion'd to his countrymen by the singular and unexampled circumstances attending this case.

I examin'd likewise *Samboodafs*, the Shroff, who had been, as above-mention'd, involv'd in the order, or *busbull-bookum*, obtain'd from *Dilly*, who explain'd the cause to me, which is certainly no unworthy supplement to the demurrer, and which I shall here set down as another instance of the fairness of Mr. *Lowther's* dealings.

Samboodass had a *respondentia* bond of *Lolla-se Sunker's*, for betwixt nine or ten thousand *Rupees*, risked upon a vessel which had been seiz'd by the *Portuguese*, and the uncertainty of her being restor'd, occasion'd the bonds upon her to be negotiated at thirty-five *per cent.* and Mr. *Lowther* took up from *Samboodass* the pre-mentioned *respondentia* bond, and offer'd the full amount of it as part of payment of his interest-note, which *Lolla-se Sunker* very reasonably rejected, as well as an insidious offer of an arbitration upon the premises; which no one can blame him for, who knew Mr. *Lowther's* power and sway at *Surat*; or wonder at, since Mr. *Lowther* did not lose the demurrer he put in to his hand and seal, even in an *English* court of justice*.

As every private act of oppression, every unfair advantage, or abuse of power and authority annex'd to the Chiefship, becomes necessarily a publick injury, and, in proportion, lessens or destroys the currency of trade and business, and the *English* credit in general; your honour, &c. cannot but esteem (from the several proofs and the notoriety of the facts above related) Mr. *Lowther* fully guilty of this article: to which I shall add one example more of the like nature.

Aga Maul, an *Armenian* merchant, together with his broker *Pursudum Vittull Umbbay*, declared to me,

* This PLEA of Mr. *Lowther's* was by Mr. *Cleland*, for the sake of the honourable Company's more especial information, incorporated in his defence against Mr. *Lowther*, and the whole dispute referr'd to the cognizance of the Court of Directors, by their advices in the beginning of the year 1735; but no notice of it was taken, in regard to either party; under which undecision the whole of that transaction remains to this hour.

that

that this *Aga Maul* purchased of Mr. *Holmes*, an *Englisch* supercargo, ninety-three bales of raw silk, for which, as he was inform'd, Mr. *Lowther* had offer'd an under price to Mr. *Holmes*, who had refused to sell it him. This purchase, it seems, provoked Mr. *Lowther* to use his interest and authority with the silk brokers, who, to the number of thirty or forty, sign'd an instrument, wherein they jointly engaged themselves under a penalty, not to promote, or any ways assist the said *Aga Maul* in the reselling his silk; and by this means the silk lay upon his hands upwards of six months, without the possibility of a vent, until he was obliged to make a proper application to Mr. *Lowther* for the removal of this embargo, which he was pleas'd to order *Jaggernaut* the broker to see effected; and then *Aga Maul* sold the silk, suffering great damage by the loss of interest and fall of the market. Upon this information I sent for *Jaggernaut*, and enquired of him concerning this transaction; who said, he believ'd Mr. *Lowther* might have sought to deal with Mr. *Holmes* for the said silk, but cannot positively affirm it; and that the pretext made use of for getting the above-mentioned writing drawn and sign'd by the silk brokers, was, that *Aga Maul* had presumed to buy that quantity of silk with his own private broker, and did not employ in the purchase any of the silk brokers; and that he got the said writing annul'd by Mr. *Lowther's* order, which is all he knows of the matter.

So far I have pursued the course of my instructions; and I believe your honour, &c. will esteem Mr. *Lowther's* misconduct and unfitness for a service he has thus manifestly dishonour'd, more than sufficiently proved; and that his pleas of faithful and zealous service, and of having maintain'd the honour of the nation, make it doubtful whether his
guilt

guilt or presumption are arriv'd at the greater excess.

He has been pleas'd to take to himself much merit for his share and activity in the civil wars at *Surat* in 1732, which I here think necessary to examine his pretensions to, and state the same in their true light, stripped of that gloss and colouring with which the affairs of *Surat* have been, for a series of years, obscured from the knowledge and cognizance of our honourable masters.

After a careful perusal of the Diary of those times, kept by Mr. *Lowther* himself, and to which I now appeal, (as surely nothing can be fairer than to judge him even from his own reasons, and representation of that extraordinary revolution) and from the best lights and intelligence I could gather, nothing appears plainer to me, than that the honourable Company's interest, credit and estate, were unnecessarily, impolitickly, and even wantonly brought to the brink of ruin and destruction, whilst the lives and fortunes of every *Englishman* at *Surat* were at stake; and 'tis more than probable that they are not yet out of danger of feeling the effects of it. The *Dutch*, indeed, (whose caution and coolness are sufficiently known) appear'd at length, and declar'd on the side the *English* had taken; but not till our engagement in the league, and the threats of both parties, in case of a neutrality, had made the taking up arms a point of self-preservation; which I shall prove to a demonstration was not our case.

The 21st of *June* 1732 (see *Surat* Diary of that date) *Lolldas Vituldas*, the deceas'd broker, is introduc'd to the Chief and council of *Surat*, to communicate something to them of the utmost consequence, which proved to be a scheme and league, formed by the merchants of *Surat*, to expel *Sorab Caum*, the governor of the city, on an accusation of

his having form'd a design to pillage the most considerable merchants of the city, amongst which our honourable masters were not to be exempted : and there was a suggestion, and but a bare suggestion, never proved, that they were to be rated at two lacks of *Rupees*.

I begin with allowing that *Sorab Caun* was a young ambitious man, intoxicated with power, bred up in the eastern maxims of government, and eager for pillage and rapine ; and that it is probable he might have let drop expressions that might be construed into ill intentions towards the estate and interest of our honourable masters ; but it must surely be granted, that there ought to have preceded some matter of fact, some intimation or message from the governor, before Mr. *Lowiber* should have rashly hazarded his masters estate, credit and privileges, on a hearsay, in a party against the government.

The other merchants, in case of an intended general oppression and plunder, had a safe refuge in an application to the court of *Dilly* (as the success has often shown) who, as weak and indolent as the prince truly is, would never have suffer'd the entire ruin of the traders at *Surat*.

But our entering into such a league can on no account be excused ; for it is certain that the government knew better than to extend their violence or injustice to the honourable Company's property, as they have ever had it in their power to take ample satisfaction for such depredations, by stopping the Bar, seizing their ships, &c. a practice now indeed brought into discredit and contempt, by the use made of it lately, to cover private ends and resentments.

I am likewise convinced, that *Lolldafs*, the late broker, at that time was so touch'd with the reflection on the head-long management at that juncture, the uncertainty of the success, and the disorder

der of his private affairs, that it broke his heart, if it did not even make him hasten his end, as has been confidently affirm'd to me: he died, however, suddenly; a merchant truly worthy of falling into better hands, and under a better direction.

But there is one argument yet more strong and conclusive against the measures of those times, and that is, the substituting *Teg Beg Caun* governor in his room; one who had been in that post before, but displaced for male administration, by a joint petition of the merchants, and who had never given any marks of a change of temper and maxims. May I not ask, if there appear'd any great policy or wisdom in expelling *Sorab Caun*, and providing him with such a successor?

I am to remark too, that had not the party, in opposition to the then governor, being hard press'd, called the *Ghenims* into the city to their assistance, and lain at the mercy of a people whose suspicious faith is pass'd into a proverb, it is indisputable, that instead of subverting the government, they must have been overcome, every *Englishman* in the place put to the sword, the factory razed to the ground, and our phirmaund privileges abolish'd, on an undeniable charge of rebellion. Could even success justify the running this visible risque, without any apparent urgent cause, as I once more assert and appeal to the registers under Mr. *Lowther's* direction? And when the above particulars shall be duly weighed and considered, with the fatal consequences of *Mahmud Ally's*, (see article the 9th) I do not see how Mr. *Lowther* can escape, at least, the charge of rashness, and ignorance of the honourable Company's true interest at *Surat*.

The proposal concerning the *Tanka* deserves next to be consider'd; and in this I shall prove that Mr. *Lowther*, under the colour and plausible pretext of advantage and benefit to our honourable masters,
in

in his advices and misrepresentations, imposed on the late and present president, as to prevail on them to adopt and countenance his scheme, the designs and views whereof I shall leave to be inferr'd from the absolute and evident impossibility of its succeeding, which no one knew, or ought to have known, better than Mr. *Lowther* himself. First, the two lacks of *Rupees* which were to be paid on condition of obtaining the grant of the *Sciddees Tanka*, or admiralty, were to pass through Mr. *Lowther's* hands: and, secondly, *Teg Beg Caun*, who is governor of *Surat* rather by sufferance than a real right or authority, has not hitherto had interest enough to procure a cynott or commission from the King for his own post, and consequently can hardly be supposed to have had interest enough to procure the honourable Company a Phirmaund of that vast importance; and therefore I justly conclude the interest of our honourable masters was very little concern'd, any further than lending its name to that farce of a negotiation.

I think I may venture to pronounce, that had the brokers assisted me faithfully, or had not even opposed me in the course of my enquiries, I should have clear'd up sundry other matters of importance, the evidences and proofs of which are in their hands, or may be discovered by their accounts, which they stifle, and absolutely refuse to make appear: and I hope and believe no one will esteem, in this case, that the presumption ought reasonably to be in Mr. *Lowther's* favour.

I had already mention'd to your honour, &c. that the broker refused to produce any of his accounts with Mr. *Lowther*: just upon my departure, after repeated exhortations, and even threats, I procured from him the under-written copy of the account of the sums, as they were advanced him towards this present investment, under their respective dates.

Account of the several sums made good to Jaggernaut, &c. by Mr. Lowther, towards carrying on the present investment 1735.

He stands debted to Mr. Lowther

			Rupees.	Pice.
1735				
July	26,	To cash - -	7000	
	29,	To ditto - -	4000	
	30,	To assignment on a } purchase of dates }	700	
	31,	To cash - -	1800	
Aug.	9,	To ditto - -	10000	
	10,	To ditto - -	21000	
	17,	To ditto - -	810	
	23,	To ditto - -	700	
	25,	To ditto - -	1300	
	29,	To ditto - -	1350	
Sept.	4,	To ditto - -	750	
	8,	To ditto - -	1000	
	10,	To ditto - -	1000	
	13,	To ditto - -	1000	
	18,	To ditto - -	1550	
Oct.	2,	To ditto - -	300	
	4,	To ditto - -	700	
	7,	To ditto - -	125	
	9,	To ditto - -	3000	
	11,	To ditto - -	3000	
	12,	To ditto - -	3300	
	21,	To ditto - -	10000	
	22,	To ditto - -	3075	49
	—	To ditto - -	1500	
	24,	To ditto - -	700	
	25,	To ditto - -	2000	
Nov.	12,	To ditto - -	2000	

Carried over Rupees 83660

49

Brought over *Rupees* 83660 *Pice* 49

18,	To ditto	- -	5800	
25,	To ditto	- -	2000	
28,	To ditto	- -	2778	48.
---	To fundry parcels of	}	2500	
	sugar and jaggree			
Dec. 4,	To a transfer upon	}	17455	26
	<i>Coja Meleck</i> - -			
5,	To cash	- -	11000	
6,	To ditto	- -	3500	
7,	To ditto	- -	1500	
8,	To ditto	- -	2000	
9,	To ditto	- -	2000	
11,	To ditto	- -	1775	
13,	To ditto	- -	2100	
15,	To ditto	- -	1000	
17,	To ditto	- -	4000	
18,	To ditto	- -	1500	
19,	To ditto	- -	2000	
22,	To ditto	- -	498	
27,	To ditto	- -	150	
30,	To ditto	- -	600	
1735-6---	To Benjamin	- -	3900	
January 2,	To cash	- -	1000	
7,	To ditto	- -	500	
12,	To ditto	- -	500	
20,	To ditto	- -	252	
28,	To ditto	- -	500	
	" To lead said to be	}	4800	
	<i>Vendravan Lolljee's</i>			
	" To camphire	- -	5000	
	" To raw silk	- -	5000	
	" To transfer account,	}	1000	
	ship <i>Nastau</i> , - -			

Rupees 170269

59

It

It is here to be noted, that the last four articles are under no dates, and when I ask'd the brokers concerning the same, they gave me the following remarkable reason; "That Mr. *Robinson* who kept "Mr. *Lowther*'s books, had not yet agreed with "them what the dates of those items should be." This answer either has no meaning at all, or implies a further unjustifiable and collusory manner of transacting the honourable Company's accounts; and indeed Mr. *Robinson*, without that, is sufficiently chargeable with unfaithful management and concealment of the wrong and injury arising to our honourable masters, from Mr. *Lowther*'s crediting himself for a hundred thousand rupees at once, and afterwards other large sums; tho' the same was transacted in several small payments of cash, goods, and transfers, which are not yet wholly made good, since if I may credit the Declaration of the broker (see article 6.) that five or six thousand rupees remain unsatisfied of the above account, and the difference of interest fairly stated, will appear much to the benefit and advantage of our honourable masters, and which they are most justly entitled to.

Besides, our honourable masters will probably esteem it a most odd and unaccountable way of proceeding, to pretend to advance towards carrying on the honourable Company's investment the above sum of rupees, one hundred and seventy thousand, two hundred sixty-nine, and fifty nine pice; when the whole of the contract amounts to no more than one hundred sixty-one thousand, five hundred and sixty rupees, ten pice; this surplussage however (as by the above account) which appears at the first view so officious and plausible, must either be an imaginary one, and of the nature of many of the other accounts, or the cash have been misapply'd; since I am well assured, that an over-
abundance

abundance of money is so far from being the case in this present investment, that part of it now outstanding, is finish'd and compleated, ready to be brought into warehouse; but the undertakers or contractors with the brokers, refuse delivering their goods till they receive the money due for them, which it seems they could not raise, whilst they evaded my urgent orders to hasten them in by shifts and excuses of the *Gbenims*; that they were not wash'd, and the like.

And now, to prove undeniably the most open and palpable falsity and infidelity of the factory books, and consequently the management of our honourable masters affairs at *Surat*, I shall set down one more flagrant and conclusive instance which occur'd to me, on inspecting the same.

The annual piscash due to the *Surat* government, is notoriously ten thousand rupees; in *July* last 1735, it stands the honourable Company only twenty-two thousand, and appears as follows, viz.

* In journal G, G, page 45, *Jaggernaut's* account at interest has credit for rupees ten thousand allow'd him, in account for so much as he is said to have paid the government for that year's piscash; and in cash account for *August* 1735, which is the month following, the 11th of that month cash has credit by *Jaggernautdass*, &c. their account at interest rupees twelve thousand, paid by him to *Teg Beg Caun*, governor of *Surat*, on account of the annual piscash and fees to the *Custom-house* officers, when a receipt for the same was taken.

* The allegation in this paragraph was afterwards found to be a *mistake*, and as such candidly advised the Court of Directors, in the general letter accompanying the *proceedings* on this occasion. A reparation due to Mr. *Lowther*, which is here repeated.

There

There are many other points of Mr. *Lowther's* conduct which might be worth clearing up, and explaining to your honour, &c. and which I have rejected or let pass unnoticed, not only for want of time and leisure; but as they would appear an unnecessary burthen to your patience on so ungrateful a subject, where the measure is so full already; which with the broker's obstinate refusal of furnishing me with sufficient light from his accounts in the Company's concerns, conclude my representation, relating more immediately to Mr. *Lowther's* management during his Chiefship. I shall omit likewise troubling your Honours, &c. with the particulars of his frantick, ungovernable behaviour since his removal therefrom; his mad appeal to the King and Council, from the exercise of your just and lawful authority, in taking cognizance of his unparallel'd guilt; the partial and unfair alienation of his effects, after the demand was made on him on the behalf of his honourable masters; and his other extravagancies, as they appear in the course of my advices since my arrival at this place, and demand your honours, &c. more effectual enquiry into from himself at *Bombay*.

In obedience to your honours, &c. commands concerning the brokers, I did not fail of using my best endeavours with them to put them on a right footing, and get a satisfactory information of the state of their affairs, and the probability of their clearing of their debt to our honourable masters in any reasonable time, upon which I shall with all due caution and candour, submit the result of my enquiry and my opinion, founded on the best advices, to the judgment and determination of your honour, &c.

When I ask'd *Jaggernaut* for an exact list of the debts which he had appropriated to, and indeed assign'd over towards the discharge of his debt to our

our honourable masters, and which (as my instructions mention) he had promised at *Bombay* to your honour, &c. to give in at *Surat*; I could get no other answer from him but in express terms, that he had already deliver'd one in to your board, and that he would give no other here. This want of candour was not however all; for since his arrival he satisfied a debt that Mr. *Lowther* ow'd the *Dutch* Chief by a transfer of one of those very debts, in prejudice to our honourable masters claim, both to Mr. *Lowther's* and his concerns; and when I expostulated with him on the injustice of this procedure, he did not offer to deny it, nor excuse it.

Touching the only scheme he tenders towards lessening his debt, the same has been already exposed to your honour, &c. in our general advices from hence; and literally and precisely signifies, that if your honour, &c. would trust him with the investment, he would pay the honourable Company out of their own money, by over-rating the contract. It is easy to judge of the reception and countenance your honour, &c. must give such a notable proposal; and truly our honourable masters are something obliged to him, for explaining his intentions so clearly.

Our honourable masters were pleased indeed in their general advices, to recommend a due caution and tenderness of the broker's credit, and in which they have been so far punctually obey'd: But I am now obliged to remark to your honour, &c. that their credit has been long utterly lost and extinguished, and any management or care of it on our part would be fruitless and incapable, either to preserve or revive it; and I must therefore give it as my opinion, that they are not, whilst under such desperate and ruinous circumstances, proper or creditable persons to be trusted with any sums of money,

ney, or indeed the carrying on any concerns of the honourable company, whilst we have the least regard for their security and advantage; and the honourable Company will doubtless suffer an actual and real detriment and prejudice to their affairs, in the certainty of being imposed on by the hopes of an imaginary and delusive clearance.

I have likewise reason to believe, that if your honour, &c. proceed effectually and pressingly with the brokers, they may possibly under such streights exert their utmost efforts, and find ways and means to raise enough to pay off some part of their debt, as it is well known, that the generality of these people when their circumstances are declining, are provided with some reserve, which they never have recourse to but under the strongest necessity; nor are they without a notion of that false cunning, that their debt maintains and keeps them in their posts; tho', as the same appears to me utterly desperate and irrecoverable by forbearance, I think they ought to be made sensible of the contrary; for I am sure as they are, they are of no credit, use or profit to the service.

And when your honour, &c. will please to add to these the consideration of the brokers conduct on the present occasion, with the other particulars relating to them, as they appear in our general advices, and their presuming to revive groundless demands on the honourable Company, seconded by threats of an application to parliament, and other marks of defiance. I am persuaded your honour, &c. will esteem it both expedient and just, to keep no longer any measures with them, and to consider of the most effectual means for realizing as great a part of their debt as possible, and taking the best security that can be got for the residue.

Nor indeed do I see how without coming to some resolution of this nature, your honour, &c. will

will have the satisfaction of having your purposes accomplished, of a thorough re-establishment of the Company's affairs, and the *English* credit at this place; but on the contrary, the merit and use of all your endeavours, and the service you was pleased to order me upon will be lost, and become in a great measure ineffectual, by the continuance of persons that are evidently bankrupts, in the management of the important business and trusts of the factory, at a time when the past conduct and infidelities of the honourable Company's own covenant servants, indispenfibly demand and require fuch an entire change and removal, as may purge off the national ftain and difcredit contracted by them; and to my certain knowledge, the merchants do not exempt the brokers from a great fhare of blame, even tho' they were evidently under the direction and fway of the late Chief.

My reasons for fending Mr. *John Robinson* down, will only need a fhort explanation, as the fubftance of his charge is contained in the foregoing and the general advices, to which I beg leave to refer. When I found and confider'd him fo involv'd, fo complicated with all Mr. *Lowther's* guilt and breaches of truft by his privity to his accounts, which were all under his management and direction; together with his fullen and refractory behaviour under examination, his airs at the council-board, and the whole tenour of his conduct, when he had fo fair an occafion of approving his duty to our honourable mafters, I had all the reafon in the world, not only to apprehend his obftrecting and oppofing to the utmoft of his power, their intereft and fervice, which he feem'd to have difclaim'd and given up for other regards; but to deter the others by his removal, from efpoufing fo fhameful a party at the expence of their duty and fidelity, and in hopes of recalling them to a fenfe of what
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they owed to themselves, and their employers: this was then all the censure in my power, which I am persuaded your honour, &c. will not only see reason to approve of, but join your own authority in a further notice of him, as I do not see, but that any impunity, in this case, may justly incite our fellow-servants, to consider the honourable Company's service, as given up to them, to pillage and plunder at discretion, or, at least, to treat and esteem a connivance, and abettorship in breaches of trust, to be no crime, or detriment.

This leads me to represent to you the immediate ill consequences of Messieurs *Ramsden* and *Hamilton*, their deserting the service at that critical conjuncture, as the same occasioned great scandal and noise in town, whilst every one drew inferences very disadvantageous to the honourable Company's interest, from seeing almost the whole factory revolted against the authority of our honourable masters, then in trust and commission with me; as it plainly shewed a great disorder and misrule in our government, and the direction of affairs. I had already mentioned to your honour, &c. my suspicion of the late chief having, by some means or other, obtained a very undue influence on most of the servants employed at this factory; and had they not been resolutely determined, at the expence of their duty, to continue under it, my arrival, and a treatment the most civil and inviting I could frame, gave them the fairest opportunity to purge themselves of any unjust attachment, or preference of personal to publick regards, even without giving up their gratitude for any benefit they might have received; and, indeed, all the sacrifice I exacted of them, was barely to sit still, and not oppose the interest and service of our honourable masters, and for the rest to govern themselves as they pleased; and I am truly sorry to observe to your honour,

&c. that they have causelessly, by their own act and deed, excluded themselves the service, in such a manner, that our honourable masters can never approve of their re-admission, which, if but hearken'd to, will destroy all order in the service, and render the authority of their president and council cheap and contemptible, as it would appear not lenity, but weakness, in any government, to indulge an example of this nature; neither do I believe, that they can justify, or approve, to their best friends, any step that seems to favour so foul and wretched a cause, as that which the gentleman they adhered to is involved in.

Your honour, &c. will, undoubtedly, be of opinion with me, that the sum extorted from *Naugur Cottab*, (before-mentioned) an *English* broker, should, on the first fair occasion, be redemanded, and effectually recovered and restored: this satisfaction is not only justly and equitably due from our nation, but will likewise, in a great measure, wipe off the stain that sticks to the *English* name, on that account.

I have left the factory in the charge of Mr. *James Hope*, and, withal, have the satisfaction to assure your honour, &c. that if all matters there are not, or could not be so suddenly restored to perfect order and tranquility, yet I have left them free of any visible confusion, (which a gentleman, in his dissent from the resolution of your honourable board to send a supervisor, seemed so extremely fearful of) and I hope, and believe, that this public example of justice, and redress, will, if duly continued and supported, have suitable effects, and, by degrees, restore us to the credit and good opinion of the merchants; and I likewise hope, and presume, that the honour of the nation, which Mr. *Lowther* has the assurance to boast of having zealously maintained, will, in future, be thought more properly established

established by the integrity and fairness of our private transactions, and the firmness and justice of our public ones, than by that mixture of ostentation, of outward pomp and profusion, with private indigence, and mean oppressions, which have, for a series of years, exposed the direction of the honourable Company's affairs to ridicule and discredit.

I have the honour to enclose you herewith, a state of the Company's household at *Sarat*, in which, without making one exceptionable retrenchment, but purely of unnecessary and superfluous retainers, I have reduced the monthly expences ninety-five rupees *per mensem*, to the present standard, which, I presume, your honour, &c. will approve of, and, in general, of my sincere and unwearied application to the execution of your commands, to the best of my judgment, and the trust you were pleased to honour me with,

I am, with all submission and respect,

Honourable Sir, and Sirs,

Your most obedient and

Sarat,
March 25,
1736.

Most faithful humble servant,

JOHN BRADDYLL.

N^o 30.

*Messieurs RAMSDEN and HAMILTON's
Letter to the Board, referred to
in Consultation the 2d of April,
No 27.*

Honourable Sir, and Sirs,

WE have received a letter from the secretary, of the 26th *ultimo*, signifying to us the insufficiency of our submission offered your honourable board the day before; and that till we make a suitable condescension for our disregard of your honours, &c. authority, in the slight shewn the president's commission to Mr. *Braddyll*, and, in writing, retract our protest against a proceeding, which we now know to be warranted by your honour, &c. orders, we continue, as we have thrown ourselves, out of the honourable Company's service.

This being the purport of the secretary's letter to us, writ by your honour, &c. orders, we beg leave, in the following lines, to say a few words to each of the points therein contain'd.

As the supposition of our having abandoned the honourable Company's service, is the principal hinge on which our present affair is made to turn, we shall begin with that article. We have already declared, both verbally to your honour, &c. in council, and afterwards by letter, that the action you have been pleased to fix upon us, was entirely foreign to our real thoughts, designs, and inclinations. Our readiness, at so short a warning, to obey the supravisor's orders, when our affairs at *Surat* required

required a much longer stay, is a convincing proof of the truth of our assertion. For had we actually thrown up the honourable Company's service, surely we might, with the strictest justice, have laid claim to a longer time than was allowed us, to collect our effects, and finish our affairs; but your honour, &c. do not find we ever made such a demand; on the contrary, we prepared ourselves with the greatest alacrity and dispatch, to wait upon your honour, &c. and as servants of the Company, to receive your commands. Nor is it very probable, the supravisor himself look'd upon us in any other light, at the time he sent us his order to repair to *Bombay*; he there gives us to understand, the commander of the *London Yacht* should have orders to accommodate us, during the passage, according to our quality. If, at that time, we were not in the honourable Company's service, we are at a loss to guess what quality it is he means; for we know of no other, but what we received from our stations. However this be, sure we are, we never had the least notion of having abandoned the service, since, if the case had been such, the controversy must necessarily have ended there; and, to speak without offence, we should have thought ourselves acquitted of any obligation to answer for our conduct, even before your honourable board. We cannot here forbear mentioning one remarkable circumstance, which, without any reflection, or comment of our own, we submit to your honour, &c. Several days before the arrival of the supravisor at *Surat*, it was very confidently and publickly reported there, by some persons, who are well known to have the earliest intelligence from this place, that Mr. *Lowther* was, at that time, turn'd out, and that Mr. *Robinson*, and ourselves, should shortly be sent down to *Bombay*. How the event has answer'd, the world is well apprized.

Dated

Touching

Touching the insufficiency of our submission, we say, that when we were called before your honourable board, on *Monday*, the 15th *ultimo*, all the censure we then received was, for having too hastily retired from our seats in council, and, by that step, throwing ourselves out of the honourable Company's service; upon which the honourable president was pleased to say, that, to shew his disinclination to carry matters to extremities, provided we made an handsome submission, suitable to the offence, he should be willing, with the consent of the rest of the gentlemen, to take no further notice of what had passed. Accordingly we offered a submission, and that in the handsomest terms we could conceive, acknowledging the indiscretion we had been guilty of, expressing our great concern thereat, and humbly requesting we might be restored to our former stations. After this, we think we might, with some justice, lay claim to the promise that was made us: But how are we likely to be disappointed! Sentence is already pronounced upon us, that we have thrown ourselves out of the Company's service, and are to continue so, unless we reclaim what has no manner of connection with our offence. We therefore think it our duty to declare, for the several reasons above-urged, and in consequence of the promise given us in council, that, notwithstanding any past action of our own, we do still look upon ourselves, to all intents and purposes, in the honourable Company's service, unless removed from thence by the authority of your honour, &c. and if such shall be your pleasure, we shall submit to it with all dutifulness.

We are not conscious to ourselves of any disregard shewn by us to the authority of your honour, &c. in slighting the president's commission to Mr. *Braddyll*. Had we absented ourselves, upon his landing, or been wanting in the accustomed marks of

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respect,

respect, we had, indeed, been justly blamable on this score; but we thought ourselves fully secured from such a censure, by waiting upon him without the factory, and conducting him to his apartments: and if our not going so far as the water-side has given occasion for this charge, we must plainly confess we look'd upon it as a matter of indifference, left to the option of every free-born subject to perform, or not, just as he thought convenient; nor did we know of any duty we lay under, as Company servants, to go precisely to such a spot, and no other; but if, in this, we have been guilty of a piece of neglect, (and we shall not contend for the contrary) we beg leave to assure the honourable president, that we were far from intending any disrespect to him, though an ill-timed personal disgust might, for once, make us deficient in point of ceremony.

It has been told us, that we could have no reason to suppose, that Mr. *Bryddyll* acted without sufficient authority from your honour, &c. and therefore, we had no cause to protest against him. To justify ourselves in this point, we beg leave to appeal to the case of Mr. *Hugh Howard* at *Tellicherry*. This gentleman was, by Mr. *Braddyll*, upon a most frivolous occasion, suspended the service, turned out of the fort in the rainy season, and left to shift for himself, amongst the natives; for which arbitrary proceeding, he received a suitable reprimand from the late president and council, and Mr. *Howard* was (upon the first notice of his case) reinstated in the service. Surely it cannot be denied, that what has happened at one time, may rationally be thought possible to fall out again at another; nor was this all the reason we had to be distrustful of Mr. *Braddyll*. We were furnished with a memorable specimen, amongst others, of the small regard he has for truth, in his complaint against Mr. *Forbes*,
(see

(see *Tellicherry* diary, near the end of the year 1732, or the beginning of the next year, where this matter is fully treated of) add to this, that when we saw a gentleman, who, in a particular manner, had been distinguish'd by the honourable Company, deprived of his post, and for no other crime, than asking one reasonable question, driven hastily from the scene of his business to the apparent ruin of his credit and fortune, we thought it for the honour of the president and council of *Bombay*, to attribute such a proceeding to a man, who we knew, in some former instances, had greatly exceeded the bounds of his authority; and it is with the most sensible regret, that we have been brought out of that mistake. But as our protest is levelled not only at Mr. *Braddyll*, but the act itself, which we still think, in our consciences, to be contrary to the Company's interest, as well as their establish'd orders, we are of opinion, that by withdrawing it, we should swerve from our duty to our honourable employers, and therefore, we can by no means consent to it. In fine, we should think ourselves particularly fortunate, could we give your honour, &c. the satisfaction you require; but when we are reduced to the hard necessity of prostituting our principles, or losing our employments, we do not hesitate about the choice.

Wishing our honourable masters affairs, under your administration, all the success that can attend them, we subscribe ourselves,

Honourable Sir, and Sirs,

Bombay,
April 2, 1736.

Your most obedient and
Most humble servants,

James Ramsden.
George Hamilton.

N^o 31.*The Charge against Mr. ROBINSON.*

ARTICLE I.

THAT whereas a parcel of raw silk, belonging to the honourable Company, was sold at *Surat* by *Henry Lowther*, Esq; chief, &c. factors, (as will more fully appear in *Surat* diary, under the 1st of *March*, 1734-5) the amount whereof being about forty-six thousand rupees, was, by the said *Henry Lowther*, Esq; his orders, applied to his private use, and the brokers debted for the amount of said silk, on the Company's books, by so much enlarging their desperate debt to the honourable Company, and decreasing their private one to him; the said Mr. *John Robinson*, who kept Mr. *Lowther*'s books of accounts, knowing that the amount of the said silk ought to have been brought into the Company's cash, did nevertheless, contrary to his duty, and the trust reposed in him, and the tenour of his oath and covenants to the said Company, bring the amount of said silk to the broker's credit, in a private account between them and said *Henry Lowther*, Esq; thereby becoming an accomplice and confederate in so flagrant an act of infidelity to his honourable masters.

ARTICLE II.

That the balance of the honourable Company's cash was, at sundry times, short of what specified in the account, particularly under the 30th of *June* and 31st of *July*, 1735; which deficiencies do appear

pear to have been applied to Mr. *Lowther's* private account; and as the said Mr. *John Robinson* kept Mr. *Lowther's* books, he must have been privy to, and connived at such unfaithful practices, which is also contrary to his duty, oath, and covenants, as aforesaid.

ARTICLE III.

That sundry fictitious and false entries being made in the Company's books, at *Surat*, of money said to be advanced, the brokers for carrying on the investments, particularly under the

26th of July, 1735	-	Rupees	100,000	:	:
29th November	-	-	50,000	:	:
31st December	-	-	20,000	:	:
				170,000	

Which were either not paid them according to the dates they are charged, or else were made good only by private transfers between Mr. *Lowther* and the brokers; whereby the honourable Company are considerable sufferers, not only by the loss of interest, but also by the backwardness and deficiencies of the investment, occasion'd through the want of money for carrying them on. The said Mr. *John Robinson*, by his keeping the brokers private accounts with Mr. *Lowther*, did become accessary in transacting the said false and fictitious payments, and, in so doing, is guilty of a manifest breach of trust to his employers.

ARTICLE IV.

That *John Braddyll*, Esq; being appointed, by us, supravisor, with full power to enquire into Mr. *Lowther's* conduct at *Surat*, and in the execution of his trust, proceeding to interrogate Mr. *John Robinson*

binson concerning some of Mr. *Lowther's* transactions, he the said Mr. *Robinson* not only question'd his authority (although the commission given him by the president, with our consent, had been read and made known in the factory) but refused answering any of the supravisor's questions. And when the supravisor (according to our directions, should any of the Company's servants by any means endeavour to obstruct his enquiries) order'd the said Mr. *Robinson* to repair to *Bombay*, disclaim'd his authority, terming such order given him (pursuant to the powers derived from us to the supravisor) unreasonable and illegal, thereby arraigning our proceedings. And his protesting against an act of the supravisor's, warranted by our authority, (a practice hitherto unknown among the honourable Company's servants) is a direct disobedience and act of rebellion against his superiors, and contrary to his duty as a Company's servant.

ARTICLE V.

That by application to the Mogul's court, an order being obtain'd to seize the person of Mr. *Lowther* (Chief for the honourable Company's affairs at *Surat*) and *Samboodass*, the Shroff, to oblige them to satisfy the demands of one *Lolla-se Sunker*, which might have engaged the honourable Company's factory and affairs in a scandalous broil; Mr. *Lowther* being then at *Bombay*, the said Mr. *John Robinson*, who had a knowledge of this order, did take upon him to accommodate this affair, and had so little regard to the fidelity he ow'd his honourable masters, and so little concern for their honour and interest, as not to advise us thereof; which silence,

in a transaction of so great importance, was highly criminal, and contrary to his duty.

*By order of the honourable John Horne, Esq;
president and governor, &c. council of Bom-
bay.*

John Dacres, Secretary.

*Bombay Castle,
April 8, 1736.*

No. 32.

*Mr. ROBINSON's Answer to the Charge
exhibited against him.*

ARTICLE I.

IN answer to this article I must first observe, that on the 8th of *March* 1734-5, I went on board the King *William* about affairs of the *Sciddees*, and remain'd there some days, till Mr. *Lowther* came down, who sent me to *Bombay*, from whence I did not return to *Surat* till the 10th of *April* following: and as the affair of the raw silk was transacted during my absence, and without my knowledge, how can I be deem'd an accomplice and confederate in this act? It is said that, as I kept Mr. *Lowther's* books, I brought the amount of the said silk to the brokers credit, in a private account between them and *Henry Lowther, Esq;* But this I positively deny; for when, after my arrival at *Surat*, I brought up the books for the time lost during my stay at *Bombay*, I then entered Mr. *Lowther's* cash account for *March*, wherein the brokers have

credit for sundry sums of ready money paid into his cash under different dates, to the amount of about one hundred and fifty thousand *Rupees*, without the least mention of the honourable Company's raw silk. It is true, that about the latter end of *May*, I accidentally found that the broker had paid some time in *March*, to Mr. *Lowther*, the money he receiv'd of the purchasers of the honourable Company's raw silk; upon which I twice wrote to Mr. *Lowther*, for orders to pay to *Jaggernaut* those sums, that he might pay them to his honourable masters: but in answer to my second letter, he acquainted me, that he had the honourable the president's leave to receive this money, as will more fully appear by the deposition I gave upon oath in council the 15th of *March* 1735-6, and is as follows.

About the latter end of *May*, Mr. *Hope* asked of me, if I had seen the cash account lately? and added, there must be a large balance for the amount of the silk: whereto I answer'd, that I had not seen it: and afterwards examining the cash account, I found that no entry was made for the receipt of said silk-money: and on asking the broker why he had not paid it into cash, he said, that Mr. *Lowther* having press'd him very much for money, he had paid it into the Shroff on his account. Mr. *Lowther* being at *Bombay*, I wrote to him, desiring his orders to repay that money to the broker, that it might be brought into the Company's cash; but did not receive an answer till some time after, when Mr. *Lowther* wrote me, he had accounts depending before the president, &c. council relating to the last year's investment, on which there was a balance due to him of upwards of thirty thousand *Rupees*. And in another letter I receiv'd from Mr. *Lowther*, he says, that he had the president's permission to pay himself out of the amount of the

raw-

raw-silk money. And when Mr. *Lowther* return'd to *Surat*, he shew'd me a letter from the president, dated in *August*, wherein he says to the following purport: "That for sundry reasons he did not think those accounts proper to be laid before the council, and therefore desired Mr. *Lowther* to receive the money before-mentioned from the broker, out of the amount of the raw silk, who he supposed had been debted upon the Company's books for it."

By all which, I humbly presume, it will appear to my impartial judges, that I did not knowingly bring the amount of the raw silk to the brokers credit, in a private account between them and Mr. *Lowther*, but that I used my endeavours, after I had found out that the brokers had credit in Mr. *Lowther*'s cash account for *March* (which was then entered in his books) for sundry sums, which they paid to Mr. *Lowther*, for his account, and was really the money they had receiv'd of the purchasers of the raw silk; I say, I then endeavoured, to the utmost of my power, to have it repaid; but it was fatally prevented by an order of my governor: and surely when any act has that honourable sanction, it cannot be deem'd a flagrant act of infidelity.

ARTICLE II.

I cannot positively affirm, that the balance of the honourable Company's cash was at all times in a chest in the factory; but as the *Shroff* was answerable for it, and is a man of substance and credit, and thought worthy of being trusted by the honourable the president and his council, there could not, nor has there been any loss to my honourable employers, who were indebted to him at my leaving *Surat*, as they also were in *January* 31, 1734-5, as appears *per Surat Diary*, folio 66, where the cash

account is enter'd, and debted to balance due to the Shroff *Rupees* nine thousand two hundred forty-eight, and sixteen *Pice*, which makes it plainly appear that the Shroff is accountable for all sums he receives, or pays away, as he is sometimes indebted to his masters, and they at other times to him. Where then are these imaginary deficiencies of *June* and *July* 1735 to appear to be applied to Mr. *Lowther's* private account? when actually there are no such deficiencies, the Company being indebted to the Shroff at the time of my leaving *Surat*. Besides, had there been any such in those months, and should the cash-keeper be declar'd answerable for them by the honourable the president and his council, I beg leave to refer to the *Surat* Diary, folios 225, 226, 229, and 236, where it will be found, that the cash-accounts for the months of *April*, *May*, *June* and *July*, 1735, are sign'd by Mr. *James Hope*, who was then cashier for the time being, (as Mr. *Lowther* was at *Bombay*, even until *October* following) and would really be the guilty person, if any; but he was sufficiently convinced there was no such deficiencies, and therefore vouch'd those accounts. And as to myself, I positively declare I know of none, and therefore could not be privy to, or connive at such pretended unfaithful practices.

ARTICLE III.

At a consultation held at *Surat*, *July* 26, 1735, Messieurs *Hope*, *Taudin*, *Robinson* and *Ramsden*, present, it was agreed to advance the brokers one hundred thousand *Rupees*, towards carrying on the investment, and Mr. *Lowther's* attornies were order'd to pay them that day the said sum. Accordingly, I gave the brokers account investment credit on Mr. *Lowther's* books *Rupees* one hundred thousand that day,

day, and on which interest is allow'd them ; and as any money of his came into my hands, I paid it to them, and debted said account. I told Mr. *Hope*, my Chief for the time being, in the absence of Mr. *Lowther*, that I should that day (26th of *July*) pay the brokers about ten thousand, and acquainted him from time to time, with the progress I made in discharging the rest, one half of which was discharg'd in a few days, and the remainder some time longer, but without the pretended loss of interest to my honourable employers, as the brokers found means to borrow money at interest, and had credit with the sub-brokers, for which interest was allow'd them, whilst, through the scarcity of money, I was for some time put to it to discharge the other half. The two other sums was transacted after Mr. *Lowther's* arrival at *Surat* ; and it will appear by the *Surat* letters, in *November* and *December*, how calamitous the times were, and common to every merchant of the place ; for the most reputable Shroffs were obliged to pay large premiums for ready money. Nor did Mr. *Lowther* ever pretend he had paid those sums to the brokers the very days they were charged, for he often acquainted his council with the difficulties he had to raise money ; nor was it kept secret from the honourable the president and council ; for in our letter to them of the 12th of *December* 1735, we acquainted them that but a small part of the fifty thousand *Rupees* remain'd unpaid : so when this comes to be impartially reconsidered, I hope the difficulties Mr. *Lowther* labour'd under will be no longer imputed to me as a crime, because I kept his books.

ARTICLE IV.

When I was before the honourable the president and council the 15th *ultimo*, I was then told Mr.

Braddyll had sent me down to *Bombay* for sundry reasons, by virtue of private orders he had received, and for having slighted the honourable the president's commission. What those reasons and private orders were, I was not then plainly told, and therefore could not make all the defence I shall now, being acquainted with them, be able to make; but when the honourable the president urged several facts by which I had slighted his commission, I gave in answers, which, I presume, were thought satisfactory. As I am not now loaded with that guilt, but am accused of refusing to answer any of the supravisor's questions, and am therefore declared guilty of obstructing *Mr. Braddyll's* enquiry, I affirm, that on the 21st of *February* last, when I came to pay my respects to him in the morning, I gave him sufficient satisfaction in one article which *Mr. Lowther* is injuriously charged with, namely, the lead, in the doing of which, and examining papers and accounts relating thereto, we were about an hour employ'd, *Mr. Peirson* being all the time in the chamber, and sometimes *Mr. Cleland*, and therefore it cannot be said I refused to answer any of his questions. The next day *Mr. Braddyll* sent for me, and being attended by *Mr. Cleland* to take an examination in ample form and order, he began to question me about the affair of the raw silk; but I modestly requested to be acquainted, if I was to answer him alone, or him and his council? a question which, I dare say, the honourable the president himself, or any one of his council, (*Mr. Braddyll* excepted) would have vouchsafed to answer; and that being done, I should have proceeded to answer every question put to me, although I was not obliged thereto by any authorities *Mr. Braddyll* had produced, which were his commission, and particularly the honourable the president's, &c. letter to *Mr. Braddyll*, supravisor, &c. factors at *Surat*, who were ordered

ordered to assist him in his enquiry; and as this letter is wrote to them as a council, they could assist him in no other capacity; and therefore, as he was pleas'd to proceed in this secret manner, and without the assistance of his council, it was not only natural, but just, to except to this extraordinary method, as it no where appear'd to us he had an authority for so doing, notwithstanding what Mr. *Lambton* was pleas'd to tell me the day I was examin'd in council, that the supervisor acted by private orders, which I ought to suppose he had, and therefore implicitly obey; but the general unhappy character Mr. *Braddyll* bears, did, I confess, make me dread a secret examination, lest the sense of my words should be distorted into quite different meanings, and the most innocent behaviour be term'd criminal actions. It is with the greatest reluctance I enter into this part of my defence, but since he is my accuser, self-preservation requires that I point out such flagrant instances of his character as occur to my memory, in order to invalidate his informations; but I shall not make use of that part of it which is generally known to all his acquaintance, and discredits even the commonest trifles that proceed out of his mouth: I shall only mention two facts, which are become most notorious by being upon the honourable Company's records; the one was a design against his governor Mr. *Boone*, of the most heinous and horrid nature; and the other, his inhuman and barbarous treatment of his fellow-servants whilst in power at *Tellicherry*, for which he was most justly and severely reprov'd.

As he is my accuser, it is not likely he will be permitted to be one of my judges, by sitting in council when this my defence comes to be considered; and so far I am happy, as I ought not to imagine the honourable the president and council will

in the least deviate from the common rules of equity, and the well known laws of their country.

From all which I have the confidence to hope, that my impartial judges will clear me of endeavouring to obstruct the supravisor's enquiries, and of course my protesting against Mr. *Braddyll* will be no longer term'd a direct disobedience, and an act of rebellion, (as the honourable the president, and his council, are pleased to alledge against me) but my said protest will have its full force and efficacy, at a convenient time, and in a proper place.

I acknowledge, as a Company's servant it is possible to be disobedient to my superiors the honourable the president and council, but impossible to be guilty of rebellion, unless against my sovereign and the supreme authority, who alone can lay claim to my allegiance.

ARTICLE V.

In answer to this fifth and last article, I shall take up but a little time, as the whole is positively an unjust charge : And in the first place, I firmly believe no such order was ever obtain'd from court ; but a spurious and fictitious one is now trump'd up, to load Mr. *Lowther* with more dirt ; at least I never had a knowledge of any such. Indeed a pretended one to seize upon *Samboodass*, the Shroff, was shewn me, and was sent me by *Lolla-se Sunker's* orders, the which was explain'd to me, and not one word mention'd of seizing Mr. *Lowther* ; and it is only since the supravisor's power was extant, that I have heard of this addition to the first shewn me, and therefore may reasonably suppose the whole to be a juggle and false, as is that part of the article which says, " That Mr. *Lowther* being at *Bombay*, the " said *John Robinson* did take upon him to accom-
modate this affair ; " for it was some time after
Mr:

Mr. *Lowther* arrived at *Surat*, before I either saw or spoke to *Lolla-je Sunker*; and then Mr. *Ramsden* and myself undertook it, knowing it would be agreeable to the honourable the president, and particularly to Mr. *Lowther*, who had so often offer'd this dispute to be decided by arbitration.

Upon the whole, my silence cannot be called highly or in the least criminal, since had I informed the honourable the president and his council that I had seen an order, or had the least knowledge or intimation of one, to seize upon the Chief and the honourable Company's Shroff, I should have basely imposed upon them by a lie.

Dated at Bombay, this 15th day of April, 1736.

JOHN ROBINSON.

N^o 33.

*Mr. ROBINSON's Letter accompanying
his Answer to the Charge.*

Honourable Sir, and Sirs,

THE 9th instant your secretary sent me a charge, containing five articles, exhibited against me by your honour, &c. and acquainted me it was your order that I gave in answer as this day, which order I now obey with all imaginable chearfulness, as I am not in the least doubtful but my enclosed answer will plainly convince your honour, &c. of my innocence.

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Had I been conscious of any guilt, I might with law on my side have denied answering your board, since you have been pleased to exhibit a charge against me, by which your honour, &c. become my accusers, and do by these acts bind yourselves to make good the said charge to your superiors.

But this plea I now wave, and expect my fate from your impartial judgment, when guided by no other motives than truth and honest consciences. I am, with due regard and respect,

Honourable Sir, and Sirs,

Your most obedient and

Bombay,

April 16,

1736.

Most humble servant,

JOHN ROBINSON.

N^o 34.

*Extract of Consultations of the 24th
of April 1736.*

MR. John Robinson's answer to the charge exhibited against him, which is enter'd after last consultation, being taken into consideration, the president offers to the board his opinion and remarks thereupon as follow.

Remarks on Mr. Robinson's letter and answer to the charge exhibited against him.

I AM very much surprized to find Mr. Robinson in his letter to us, should presume positively to
averr,

averr, " He might with law on his side, have denied answering to this board," which I dare venture to say, is a position that was never before asserted to any presidency by a Company's servant, since they have had a settlement in *India*; and tho' the gentleman has thought fit afterwards to tell us he waves this plea, yet I cannot help observing, that the bare advancing a tenet so prejudicial to all rule and government, and particularly so contrary to the established rules laid down by our honourable employers in all their settlements, plainly shews how much he slights our authority, or rather, that he thinks we have none at all, and therefore I demand of him since he excludes us from being his judges, who he would constitute in our room, or whether he would not rather thereby imply, that he or any other Company's servant may betray their trust, or be guilty of any other enormity, without being called to account for it, which is a conclusion that would naturally result from such a plea, were it once allowed of; and therefore this bare mentioning of it is, in my opinion, highly blameable.

ARTICLE I.

I allow Mr. *Robinson* might, as he says, leave *Surat* the 8th of *March*, but as the silk was sold, and part of the money paid to the *Sbroff* before that time; and as Mr. *Robinson* was always esteem'd Mr. *Lowther*'s chief countellour, and privy to all his affairs, I cannot in reason suppose, he would engage in a matter of such importance, without acquainting the person who kept his accounts, since the course of them must at last inevitably lead him to a perfect knowledge thereof, which Mr. *Robinson* confesses he sometime afterwards had; and as to his plea that Mr. *Lowther* wrote him, he had

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my permission to pay himself out of the amount of the raw silk money, it carries no weight with it, since he acknowledges my letter was dated five months afterwards, and sure no man will pretend, that an order from this board, or even from the honourable court of directors dated in *August*, can justify the misapplication of a large sum of the Company's money in *March* preceeding, when it was not even at that time known, that the money had before been so misapply'd; and I declare solemnly, I never heard, or even suspected, that Mr. *Lowther* had received that money, till some time after his return to *Surat*; but on the contrary, I thought it had been actually paid to the broker, on account of the investment; and I believe most of you gentlemen may remember, when Mr. *Lowther* mention'd in council his demands on the Company, on account of money he had advanced towards the investment, I told him I could not allow of it, as we had already advanced more on that account than the investment amounted to, and particularly named the silk money, to which Mr. *Lowther* immediately answer'd, "I promise you the brokers shall make the silk money good towards the next investment," and this was what induc'd me to write to him to receive what might be due to him on that account, out of the silk money from the broker to whom I thought it had been before paid; and therefore I can esteem this plea no other than a mean and evasive shift, to excuse an unpardonable crime, and a base endeavour in the contrivers to involve me in their guilt; but to go further, and even to grant that the permission I gave Mr. *Lowther*, was sufficient for his paying himself what was due on account of the investment, surely that won't justify his appropriating almost double that sum of our employers money to his own use, as he actually has done; for by the
brokers

brokers account of investment it appears, the balance was no more than twenty-five thousand six hundred twenty-six rupees, and forty-seven pice; and therefore Mr. *Robinson* can have none the least excuse for crediting the brokers in his private account with Mr. *Lowther*, in the manner he has done, contrary to the tenour of his oath and covenants to the company, and therefore must stand condemn'd by all impartial men.

ARTICLE II.

Mr. *Robinson* endeavours to evade the guilt laid to his charge in the 2d article, by shifting to the month of *January*, when possibly the Company might be indebted to the shroff; but what has that to do with the false entries made, and the deficiency that actually appears in *July* 1734, as is fully proved in the 8th article of the supravisor's report, and which Mr. *Robinson* must be perfectly well acquainted with, as he kept Mr. *Lowther's* books.

ARTICLE III.

What Mr. *Robinson* alledges in answer to the 3d article, in my opinion, carries as little weight with it. He is charged with conniving at three fictitious entries made on the Company's books at *Surat*, in favour of Mr. *Lowther*, who has a credit for one hundred and seventy thousand rupees in three payments, said to be made by him, for carrying on the last year's investment, viz.

1735	July 26th.	-	-	-	100000	
	Nov. 29th.	-	-	-	50000	
	Dec. 31st.	-	-	-	20000	170000

From which dates Mr. *Lowther* has interest allowed him by the Company, to their great prejudice; tho' the money was not made good to the brokers till sometime afterwards, as appears by the account deliver'd by the brokers to the supravisor, and enter'd in his report, which Mr. *Robinson* cannot plead ignorance of; and his connivance at this abuse, renders him as guilty as Mr. *Lowther* himself, and what he urges in the latter part of his answer to this article, is evasive and foreign to the purpose.

ARTICLE IV.

In answer to the 4th article, Mr. *Robinson* makes no excuse, or rather a very bad one, for refusing to answer the supravisor's questions; for he positively asserts, he was not obliged to it, either by the authority given to Mr. *Braddyll* in my commission, or by the orders in our general letter to the supravisor, &c. factors, and is pleased to term Mr. *Braddyll's* examination without the assistance of his council, an extraordinary method, notwithstanding that gentleman had the sanction of our orders for so doing, which can imply nothing less than the highest contempt of the authority we are vested with, to which indeed he had before given glaring proofs of his disregard, in several unwarrantable assertions in his protest against the supravisor, and in declaring at council that he would support Mr. *Lowther* (who he knew had plunder'd his masters) in spite of the threats or frowns of any one, a plain sign that he was so closely link'd and engag'd in the affairs and interest of his patron, that nothing, no, not even the service of those whose bread he eat, could draw him from it. The other parts of his reply to this article are entirely foreign to the purpose, and highly unmannerly, as well as oblique

oblique reflections on this board; but tho' he had shewn no regard to us, surely some was due to our masters, who had thought fit to appoint Mr. *Braddyll* a member of this board; but I perceive it has been a custom of late, when gentlemen have wanted arguments to support a bad cause, they have fallen on invectives and personal reflections, which in my opinion, can be of no service to them, and therefore I don't envy them the credit or advantage that may accrue to them therefrom. But I cannot help taking notice of another piece of indecency in Mr. *Robinson's* answer, to wit, his presuming to dictate to us who should, or who should not be his judges, which he might have had the modesty to have left to us to determine, without intruding his instructions on us; and surely no man will pretend that Mr. *Braddyll's* discovering (in the course of his Enquiry) that Mr. *Robinson* had been guilty of the facts he is charged with, is a reason for excluding him from his just right to sit as one of his judges; but such a declaration is not to be wonder'd at from Mr. *Robinson*, who has asserted, none of us could legally sit and determine in the present case, where we only act for our employers, and cannot in the least benefit by the issue.

ARTICLE V.

The order produced by the supravisor from the *Mogul*, for seizing both Mr. *Lowther* and *Samboodass*, is as well attested as any thing of that nature can possibly be, and is taken from the registers at *Surat*, where such papers are lodged, and doubtless carries with it a weight beyond Mr. *Robinson's* bare denial; to which I add, I was positively assured some time before Mr. *Braddyll* went to *Surat*, that an order was arrived there for seizing both

both Mr. *Lowther* and the shroff, in case *Lolla-se Sunker's* debt was not discharg'd; and therefore Mr. *Robinson's* supposition, that the whole was a juggle and false, is not only very unreasonable, but unmannerly. Mr. *Robinson* is mistaken in saying he is charged with accommodating the affair with *Lolla se Sunker*, while Mr. *Lowther* was at *Bombay*. No, what he is accused of is for screening in the factory *Samboodafs* the shroff, when he took refuge on that account, and accommodating with *Teg Beg Caun* what related to him, which might have involved the Company's affairs in a scandalous broil, and of which he never gave us any advice.

Upon the whole, I cannot but be of opinion, that Mr. *Robinson's* answer is far from being satisfactory, or from clearing him of all, or any of the articles laid to his charge. Dated in *Bombay* this 23d of *April* 1736.

John Horne.

And Mr. *Braddyll* also presents a letter to the board in answer to the invectives contained in Mr. *Robinson's* answer against him, which is read and enter'd hereafter.

The whole being duly consider'd and debated upon, the question was put to the several members of the board, Whether Mr. *Robinson* had acquitted himself of the facts laid to his charge? When they give their opinions as follows.

Mr. *Lambton*. No.

Mr. *Draper*. Yes.

Mr. *Percival*. Not entirely,

Mr. *Braddyll*. I am so far from thinking Mr. *Robinson* has clear'd himself of the facts he is charg'd with, that in his answer and letter accompanying it, he has added several others to them, which of themselves deserve a very severe censure.

Mr. Taylor. Yes.

The President. No, as set forth in my remarks on Mr. Robinson's answer.

And according to our honourable masters standing orders for punishing breaches of trust and infidelity committed by their servants, it is agreed by the several members who think him guilty of the facts laid to his charge, that he be suspended from acting in the honourable Company's service, till their further pleasure concerning him is known.

Mr. John Robinson being called in, and acquainted with our resolution, he requests permission to go to *Madras*, in order to take his passage home to *England*; when the president asking him, if he had any depending accounts, or was indebted to any one on this side *India*, he assures us, that no one has any demands on him, and this his request is agreed to.

N^o 35.

Mr, BRADDYLL's Reply to Mr. ROBINSON's *Invectives*.

Honourable Sir, and Sirs,

AS the personal scurrilities and scandalous virulent abuse levelled at me whilst in the pursuit of my duty, and proceeding from a set of men who have no other means on earth to defend their cause, will probably do me more honour than prejudice with my honourable masters, and the honest judicious part of mankind; I should for my own

own part have kept entirely silent from a most hearty scorn and contempt of them ; but as a member of this board, I owe so much regard to my trust, and the order in the government of this settlement, not to suffer this profligate treatment of the honourable Company's servants, whilst acting in their stations, to pass wholly unnoticed.

Our honourable masters will see by the whole tenour of the papers that have past on the occasion of Mr. *Lowther's* mismanagements, the enquiry they necessarily forced us to set on foot, that his followers and adherents (made and maintain'd such at the honourable Company's expence, or by methods equally honourable) have, after the mildest methods to reclaim and call them back to their duty, obstinately persevered in their career, and (in imitation of their worthy Chief and leader) when they could no longer either screen or defend his open and shameful practices, have recourse to personal ineffectives, and scandalous reflections on the persecutors, of their so good and generous a patron, and particularly this gentleman, whose modest answer to our charge is now under consideration, and who pretends to a right of eating the honourable Company's bread, after solemnly disclaiming their interest and our authority, has exerted himself upon this occasion, and given us flagrant specimens of his regard for common decency, and the respect owing to this board.

He seems to tax me with a disregard to truth, which made him evade answering me as supravisor solely ; and that this was my general and well known character. I hope he is only right when says, it discredits the meanest trifles, otherwise the reflection will fall at least as hard on this board, for employing one so unworthy of trust in affairs of moment and importance. But I would have Mr. *Robinson* know, that I shall esteem myself incapable

capable of this, or any other service on earth, when my word in any matter of credit or weight, will not go at least as far as his, or even his most worthy patron's bond, with his hand and seal to it.

His mention of my procedure in governour *Boone's* time, and at *Tellicherry*, is not only out of place and order, but possibly (well examined into) would be of very little service to that gentleman's purpose: However, I shall not for any thing he can say or urge, condescend to an explanation, I shall not allow Mr. *Robinson* to be a competent judge of.

His threats of valuing his protest in due time and place, are what I set as little value upon as his railing; I hope I have acted nothing contrary to the laws of my country, and therefore rely on their protection. It was neither heat nor ill manners that made me decline answering his question; but a thorough conviction of my own, that it would be fruitless to multiply words with a resolute and determinate accomplice and defender of Mr. *Lowther's* guilt.

The order to seize Mr. *Lowther's* person, was communicated to me before I went up to *Surat*, as it appears amongst my reasons for displacing Mr. *Lowther*, which shows the falsity of that insinuation, of its being a story trump'd up since my supervisorship, and the original is now extant in *Surat*, of which I have deliver'd in to this board a faithful attested copy.

I deny peremptorily, that he gave me any satisfactory lights into the article of lead, sold to *Vendran Lolljee*; he vouched indeed an entry in Mr. *Lowther's* books, but how agreeable that must be to matter of fact and truth, my representation will prove undeniably; and that his patron is not quite

so clear of the dirt thrown upon him on that allegation, as he would insinuate.

However, to do Mr. *Robinson* justice, I must declare, that I think his conduct, and defence, since the detection and prosecution of Mr. *Lowther*, (to whose guilt he is charged to be accessory) are so far meritorious, as they plainly manifest the spirit and zeal of the party he affects to lead since Mr. *Lowther*'s defection; and our honourable masters cannot help perceiving, that servants, who derive their immediate subsistence from them, have utterly thrown off the duty and fidelity prescribed by their covenants and oath, and set up for avowed champions and defenders of the imbezzlement of their masters' cash, and every infidelity that has been committed, as well as rebelled, (I repeat it, rebelled) against an authority derived to our honourable masters, and from them to us, by the statute laws of the realm.

Surely, then, I have very little reason to be in pain for all invectives and calumnies their rage may prompt them to invent and spread, and shall therefore persist, to the best of my judgment and ability, in a faithful discharge of my duty and trust in the service, and in full defiance to all their rancour, and low malice; nor will I give way to that low artifice, to exclude me from the board, under pretence of my being judge and party. There is nothing relates to the honourable Company's affairs, where I am not so, as a member of council, interested for my masters, and have an undoubted right to give my vote against such as appear to me to be enemies to their interest, or unfaithful to their trust in the service; nor is Mr. *Robinson* considerable enough in my eyes, (whatever he may be in his own) for me to be influenced by personal prejudice, to determine
concerning

N^o 36.

A P P E N D I X.

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concerning him, against the true and unaffected dictates of my conscience, and judgment.

I am, with all respect,

Honourable Sir, and Sirs,

Your honour, &c.

Bombay,

April 20, 1736.

Most obedient, and

Most humble servant,

JOHN BRADDYLL.

No 36.

*Extract of the Consultations of the 7th
May, 1735.*

MR. *Braddyll* takes notice to the board, that on perusing the registers, he observed several expressions in the papers given in by Mr. *Draper*, which obliquely reflected on him, as if he had committed some criminal actions in the Company's service, and now calls on Mr. *Draper* to point any transaction of his in the Company's service, wherein he intended them any prejudice; but Mr. *Draper* declares he knows of none.

The president then acquaints the board, that he had been informed Mr. *Draper* had discoursed with *Bomanjee Rustumjee*, in a manner at least very improper for a member of the board, in revealing things which pass in council, and ought not to be talk'd of abroad. The substance of said discourse, as declared by *Bomanjee Rustumjee*, is now laid before the board, as enter'd hereafter, wherein the president observes, Mr. *Draper* repeats the reflection he had before cast on him; but Mr. *Draper* affirms, he no ways reflected upon the president, in his discourse with *Bomanjee*.

Mr. *Draper* saying, that he did not mean that Mr. *Braddyll* had put the honourable president upon

many things, but chiefly Mr. *Lambton*. The latter calls upon him, to give his reason for such an insinuation, Mr. *Draper* replies, that he knew Mr. *Lambton* to be Mr. *Lowther*'s inveterate enemy. Whereupon Mr. *Lambton* requires, that he will instance such facts as he knows of his enmity to Mr. *Lowther*; Mr. *Draper* answers, that he thought, from his general behaviour, he was Mr. *Lowther*'s enemy. Mr. *Lambton* then declares, that he never had any personal enmity against Mr. *Lowther*, but that whatever he has done, he thought himself obliged to, by his duty to the Company, and the oaths he had taken; and that what he has acted against Mr. *Lowther*, he would do against any unjust man.

N^o 37.

BOMANJEE'S Relation of his Conversation with Mr. DRAPER.

May 6, 1736.

Bomanjee Rustumjee declares, that some days past being at *Parell*, Mr. *Draper*, after taking him aside, entertain'd him with the following discourse in substance.

That he knew pretty well what was going forward; for next council-day, either *Monackjee* by himself, or jointly with said *Bomanjee*, would be made broker; but 'twas no matter, for these things would blow over in a little time, and all come right; that *Lowther*, on his getting home, would oblige the Company to refund what was so unfairly taken from the *Parrack* family by Mr. *Boone*; then, he said, *Lowther* would not only pay himself, but every body else. That governor *Horne* was an easy, good-

good-natured man, and was led by Mr. *Braddyll* and Mr. *Lambton*, or things would not have been carried to this length; that he supposed *Bomanjee* was surprized to hear Mr. *Robinson* was suspended; however, he had wit enough to keep clear of that scrape, and so had Mr. *Taylor* and Mr. *Percival*, all three having dissented from the proceeding.

N^o 38.*Mr. DRAPER's Relation of his Conversation with BOMANJEE.*

Bomanjee Rustumjee being in *Parrell-hall*, on *Saturday*, the first instant, ask'd me several questions relating to Mr. *Robinson*, and the reasons of his departure. To which I answer'd, that the governor and council having suspended him, on a charge that was given in against him, (notwithstanding Mess. *Taylor* and *Percival*, and myself, was of a contrary opinion) he was gone away to *Madras*, in order to go to *England*, where I knew he had very great friends, who would not fail to stir for him, as well as the friends of Messieurs *Ramsden* and *Hamilton*. That Mr. *Lowther*, I believed, would also go home from *Madras*, or *Pondicherry*, when, probably, he might endeavour to recover from the Company what *Jaggernaut* the broker was indebted to him; which if he did do, Mr. *Lowther* would have sufficient to pay his debt to the Company, and every body else. That all this, I was sensible, would occasion a great deal of disturbance at home, as the dismissal of Mr. *Lowther* had already given governor *Horne* much trouble and uneasiness here, which I was very sorry for, as I knew him to be a very good-natured, worthy gentleman, who, I believed, would not have proceeded with so much severity against Mr. *Lowther*,

Lowther, had not some of his enemies about the governor, more particularly mentioning Mr. *Lambton*, been very assiduous in forwarding the late proceedings against him; and as this had fallen out under governor *Horne's* administration, I repeated, that I was the more sorry for it, and the consequences that might attend all those gentlemen's going home in *England*, upon his account; although I was not at all so on account of Mr. *Lambton*, whom I knew to be Mr. *Lowther's* implacable enemy.

I further, jestingly, told *Bomanjee*, that I heard next council-day he and *Monackjee* were to be made brokers, and this I mentioned as a common report, without believing it would be so.

William Henry Draper.

N^o 39.

Extracts of Consultation the 28th May, 1736, with Mr. BRADDYLL's Remarks on Mr. DRAPER's Conduct.

MR. *Braddyll* having, last council-day, taken occasion to make some remarks on Mr. *Draper's* conduct for sometime past, and being then acquainted, by the president, that such notice would more properly come before us in writing, he now gives in a letter, on that occasion, as entered hereafter.

Honourable Sir, and Sirs,

THE registers of this place are already so crowded with papers of controversy, (especially since my having taken public notice of the late management at *Surat*) that I would, if possible, have

have avoided appearing thereon in the manner I am now obliged to do ; but the continued misbehaviour of Mr. *Draper*, since the commencement of those enquiries, obliges me to take such notice thereof as is incumbent on my present office and station in this service, both with regard to the interest of those who employ me, as indeed my own particular preservation.

I should have thought the great lenity shewn Mr. *Draper* by the honourable the president (and indeed by every one of us) when he was pleas'd to attack us in public, added to the many seasonable reprehensions and repeated good advice (that appear now to have been thrown away upon him) might have wrought some effect upon his restive and obdurate disposition : but, on the contrary, I still find he continues to furnish new matter of complaint at every meeting, perplexing the publick business with his ill-grounded objections, and all, forsooth, because he will set his hand to nothing repugnant to the interest of his relation and benefactor, Mr. *Lowther*, whom, at all hazards, he aims at supporting, against the dictates of plain reason and truth incontestible.

At our last meeting, I had the honour verbally to set forth what I had to object against this gentleman's behaviour, which you were pleas'd to direct I should, for form's sake, do in writing ; I now, in obedience thereto, take a short view of his deportment, since the time of my giving in my reasons for discontinuing Mr. *Lowther* in the post of *Surat*.

Did not this gentleman, when I had proved said *Lowther* had misapplied above six thousand pounds of the Company's money, (and some other facts not less criminal) tell us in full council, that he the said *Lowther* was as honest a man as any among us ? Did he not beg pardon for this offence, and afterwards give in those two remarkable papers, the one called his Dissent from the honourable the president and

and council's proceedings with regard to Mr. *Henry Lowther*, and the other said to contain (what he very unfairly calls) Reasons towards supporting the same: both of them I call remarkable, with regard to the great ill manners therein express'd towards his superiors and fellow members, as the shameless boldness he assumes, in repeating what with so much difficulty had been pass'd by on his submission, and in supporting his said relation (merely on account of his being so, which is an honour I no wise envy him) in the most open, manifest, and palpable treachery and infidelity against those whose bread we all of us eat, the which 'twill be his great good fortune never to feel the want of.

The reflections he is pleas'd to cast on myself I most heartily condemn, as indeed I ought, since he has publickly declared before us they have no meaning; but if he has left any thing out through friendship (as he would insinuate) I now call upon him to declare; setting all such detractors at the utmost defiance, and their pretended friendship at the like distance, from instances innumerable how little 'tis to be depended on; but as this is foreign to my design, I now proceed.

Mr. *Draper*, I hope, will forgive me for observing, that he allows the broker told him Mr. *Lowther* had applied to his private service forty-seven thousand eight hundred and eighty *Rupees*, of the honourable Company's money, being the amount of the raw silk, *per King William*; and that Mr. *Robinson* said to him, he had orders to debt the brokers for it on the Company's books: I say Mr. *Draper* allows both these points in his last paper; what then can excuse him from not joining with us afterwards, in the scrutiny we were making in order to bring Mr. *Lowther* to account fairly with his employers for the injuries he had done them? since no reason on earth could justify either in the above facts: and
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surely

surely he cannot take it amiss, or plead I wrong him, when I make use of his own words and hand-writing to warrant the same. How agreeable is it to this gentleman's declaration, that he always comes prepared to this board to do strict justice, and discover all corrupt practices against the publick. Has he not openly aided, abetted and supported, both Messieurs *Robinson* and *Lowther*, when under the censure of this honourable board? nay, even dissented from our proceedings, when they were both suspended for the very facts now in question, which was plainly proved to his face? In which step I will not allow Mr. *Draper* the plea of differing in opinion (the case being known to him, as also the nature of it) unless he will give up his title both to common sense and common honesty; though, by his leave and pardon, 'tis easy to guess what his honourable masters will say, when they find it under his hand allow'd, that Mr. *Lowther* can give a good reason for robbing them of six thousand pounds and upwards; and that any order on earth can justify a proceeding so heinous in the eye of the law, and directly in breach of his covenants, and the oath of fidelity he took at entering into the *East-India* Company's service, whose property he has thus invaded.

Next I am in course to take notice of the extraordinary declaration made by Mr. *Draper* to *Bomanjee Rustumjee*, as enter'd on our consultations, and taken from said *Bomanjee* by my self, which I could not avoid doing, the thing being so publick in town, the most material part of which Mr. *Draper* is so weak as to own himself in the paper he gave in last council-day. Can any thing be more injurious to our honourable masters, than the substance of said declaration, or reflecting on the gentleman they have pleased to set over us, and indeed on the board in general? Can any thing more plainly bespeak a
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harden'd and rooted infidelity towards the honourable Company, than that therein set forth? and betray a design in the author to oppose their interest as much as in him lies, towards supporting the high and extensive character of his fugitive relation? which leads me to the last point, and indeed masterpiece of Mr. *Draper's* management.

Did he not some time since hear a protest read against one *Roberts*, for conniving at Mr. *Lowther's* escape, without making any objections? Did he not afterwards refuse to sign the same, and the *Surat* letter accompanying it, without vouchsafing to give us any reasons for so doing? This step plainly shews Mr. *Draper* intends to keep no measures, but to go thro' slish with what he has begun, by joining Mr. *Lowther*, in basely deserting his country and colours, after so many other tokens of that gentleman's infidelity had been made plain before us. If these things be tolerated, we may bid adieu to all rules and forms, all order and distinction among us. I for my part do assure this honourable board, that while this gentleman sits here, I am under some difficulties with myself (when obliged thro' duty) to express my thoughts with freedom, since it is apparent he has divulged our resolves to the black inhabitants, as appears by the aforesaid declaration: how true it is, your honour, &c. may ascertain by calling the author before you.

On the whole, after having seriously considered the matter of Mr. *Draper's* dissent in bar of Mr. *Lowther's* suspension, and the paper call'd his reasons for supporting the same, with the whole of his late conduct, as before set forth in this paper; I cannot help concluding therefrom, that he the said Mr. *Draper* has cast base, unmannerly, and injurious reflections, not not only on the honourable Company, his masters and employers, but also on the honourable the president, and other members of
this

this board, publickly arraigning their conduct whilst in the performance of their duty: That, contrary to his oath and duty as a Company's servant, he prefers the private interest of his relation Mr. *Lowther*, to that of his honourable employers, supporting said *Lowther*, and his accomplices, in crimes of the highest nature, in spite of all proof and conviction; repeatedly asserting (as I have before mentioned) that he makes no manner of doubt said *Lowther* can give a good reason for plundering the united *East-India* Company of six thousand pounds and upwards: That he is privy to a design in Mr. *Lowther* and some others, to give the honourable Company trouble in *England*, with regard to their old accounts in *Surat*; which is contrary to his oath of fidelity, and of divulging the resolves of this honourable board to such as have no title to know them, in terms highly prejudicial to this government, as he thereby seems to be laying a foundation for disquieting the minds of the people: And that, lastly, he has taken upon him to justify Mr. *Lowther* in basely deserting his country and colours, by refusing to protest against him, and such as are concern'd in his escape: for were it admitted that his objections to the enquiry were just, surely there could be no danger in setting his hand to a protest against a common plunderer, and his accomplices, who fled to screen himself from the just demands of the injured world, and the representatives of his masters, to whom he was accountable.

These things premis'd, I am in duty bound to protest against Mr. *William Henry Draper*, (which I hereby accordingly do) for all damages my hon. masters may sustain from his unfaithful and unwarrantable behaviour, as before related; submitting the censure that is due to such procedure to the determination of this honourable board, who have sufficient authority to exclude from among them such unfaithful and unworthy members.

members. 'Tis therefore my humble request this my representation may have a place in these registers, as I am, with a most profound respect,

Honourable Sir, and Sirs,

*Your honour, &c. most obedient,
and most humble servant,*

JOHN BRADDYLL.

Bombay, May

25, 1737.

No 40.

*Extracts of Consultation the 18th of
September, 1736.*

THE president acquaints the board, that as Mr. *Lowther* by his elopement had prevented our exhibiting against him a regular charge, he had now drawn up such a one, and placed the several proofs of each article directly opposite to them, in order to be transmitted to our honourable masters by the *Britannia*, and had prepared a separate address to the honourable Court of Directors to accompany the same, as well as a paper directed to the board, justifying himself from Mr. *Lowther's* attempt to make use of his name to warrant his misapplication of the amount of the honourable Company's raw silk : but observes, that Mr. *Draper* having not only refused to join with us in the measures which we judged our duty to our honourable masters obliged us to pursue in regard to Mr. *Lowther*, but opposed us in every step we had taken, the president

now

now submits to the consideration of the rest of the members, Whether Mr. *Draper* ought to be present during the time the said papers are read. Which being debated upon, it is observed, that as the said papers relate entirely to a transaction, throughout the whole progress of which Mr. *Draper* has shew'd himself more attach'd to the interest of Mr. *Lowther* than his honourable masters and employers, as does plainly appear from the papers he has given in to this board, and the whole tenour of his conduct, it would be inconsistent with our duty to admit him to a farther abuse of his seat at the board on this particular occasion: It is agreed, that Mr. *Draper* be not present while the said papers are read, and he is accordingly ordered to withdraw.

But Mr. *Draper* conceiving that he has a right to the knowledge of the contents of those papers, tho' he did not concur to any of the measures relating to Mr. *Lowther*, desires leave to give in the reasons (next council-day) why he thinks he has such a right: which is accordingly agreed to; and then he withdrew.

The charge against Mr. *Lowther*, and the proofs annex'd to it, with the president's justification of himself from Mr. *Lowther's* attempt to charge him with part of the guilt in the misapplication of the amount of the raw silk, together with our letter to the honourable Court of Directors to accompany said papers, are then read, approv'd, and order'd to be transmitted to our honourable masters on the *Britannia*, and that they be entred upon the registers, to remain in the secretary's office.

N^o 41.*The Charge against Mr. LOWTHER.*

ARTICLE I.

THAT the said Henry Lowther did in the month of November 1734, at a time that he knew himself to be insolvent, become a purchaser at an auction made by the president and council of Bombay, of divers sorts of woollen goods, and elephant's teeth, to the amount of rupees two hundred twenty-seven thousand five hundred forty-four, and twenty-two pice, upon credit, for the term of one year, and forthwith assign'd a great part of the said goods, or their produce by sale, or taking up money upon their pawn, to the discharge of other debts, thereby leaving himself no visible means to satisfy a very considerable part of the debt he thus incurr'd to his honourable employers by this fraudulent and temporary expedient, to preserve his credit at the expence of their estate, and in direct breach of his fidelity and trust in their service.

ARTICLE

*Proofs to support the Charge against
Mr. LOWTHER.*

MR. *Robinson*, Mr. *Lowther's* private secretary and book-keeper, frankly declared before the governor and council, that he, Mr. *Lowther*, had very little left to satisfy the large demands upon him; which is confirm'd by the small remains left in the hands of his attornies, Messieurs *Jeremiab Bonnell* and *William Lowther*, in *Surat*, amounting to no more than rupees one thousand five hundred, at the highest valuation. And his attorney at *Bombay*, Mr. *George Dudley*, knows of no effects or concerns he has upon the island, except an old house, which he bought some years ago for one thousand and fifty rupees: and as it no where appears that he has had any considerable loss since the said purchase of the goods mentioned in the charge, he must have known the badness of his circumstances at that time, as well as those of the brokers, who, he pretends, had so large a credit with him.

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ARTICLE II.

That the said Henry Lowther still knowing himself to be insolvent, in direct breach of his covenant and oath of fidelity to the said united Company his employers, in the month of March 173^d, did embezzle a large sum of ready cash, to the amount of forty-six thousand rupees, being the produce of a quantity of raw silk belonging to the said honourable Company, and in trust with the said Henry Lowther, who applied the same to his own proper use and convenience, by and with the consent, privity and concurrence of Messieurs John Robinson his book-keeper, and James Ramsden who kept the Company's books, both factors for the said Company at Surat.

ARTICLE III.

That the said Henry Lowther, in order to screen the said embezzlement from detection, did by and with the aid, consent, and privity of the said John Robinson and James Ramsden, procure and suborn the said honourable Company's brokers, to furnish their names to be made use to that end, and thus by way of a collusive transfer, and a fictitious entry in the factory books, they appear debtors for the sum embezzled as aforesaid, by order of the said Henry Lowther, whereby the brokers large and desperate debt to the honourable Company, becomes thus much visibly increased, for his sole benefit and advantage, to the loss and detriment of his honourable employers.

This article is fully proved by the testimony of Messieurs *John Robinson* and *James Ramsden*, supported by the declaration of *Jaggernaut Lolladas*, and lastly, by *Samboodass Narfingdass*, the said Company's shroff, who declares, that he receiv'd in six several payments, the sum of forty-six thousand rupees on account of the said sixty-five bales of raw silk, which amount he paid away by the said *Lowther's* orders, for his, the said *Lowther's* private use and convenience, see *Bombay* consultation-book under the 10th of *February*, and the 15th *March* 173⁵/₈, and Mr. *Braddyll's* report enter'd in said book, under 2d of *April* following, under the head of misapplications of the honourable Company's cash, arising from the sale of the raw silk.

This article is fully proved by the declaration of *Jaggernaut*, who agreed with Mr. *Robinson* the unreasonable-ness of charging his account with the amount of said silk money, when it had actually been paid to Mr. *Lowther*; and altho' Mr. *Robinson* swears, that he doth not remember that he told *Jaggernaut* that he had orders from hence, meaning from *Bombay*, to debt him on the Company's books for said silk money, said *Robinson* acknowledges, that he knew of this transaction in *May*, and twice wrote to Mr. *Lowther* for orders to repay the money; from whence it appears, that he chose to break through his oath of fidelity and covenants with the said company, by concealing the fraud, rather than expose the infidelity of his Chief to his superiors at *Bombay*. See the consultation book under the 15th of *March* 1735-6, and *Surat* journal G. G, page 25, where the brokers are debted for rupees forty-six thousand eight hundred thirty-nine, and twenty-three pice, the nett amount of the raw silk under the 12th of *March*.

ARTICLE IV.

That the said Henry Lowther in breach of his trust, covenants, and oath of infidelity, did sell and apply to his own private service, a parcel of lead belonging to his employers, amounting to rupees four thousand five hundred eighty-five, one quarter and sixty reas, purchased by one Vendravan Lolljee, at the publick sale in the council-room in the month of November 1734, which lead, for want of security, was not deliver'd to the said Vendravan Lolljee, and remain'd deposited in the care of him the said Lowther, &c. factors in Surat about twelve months, when the said Mr. Lowther, with the aid and privity only of the said Mr. John Robinson his book-keeper, clandestinely sold and delivered the said lead to the honourable Company's brokers, and to cover his mismanagement and infidelity, in embezzeling the produce of said sale, when said Mr. Lowther was directed from Bombay to recover the amount of said Vendravan he procured a false and deceitful paragraph to be inserted in the publick letter dated 3d January 173½. In answer to said order, viz. "That the said Vendravan being expected back from Vertage every day, the amount should be recover'd with interest, as he had then promised to discharge the same;" and when the said Henry Lowther found himself likely to be further question'd thereupon on the supervisor's arrival at Surat, he attempted to evade this charge by appealing to his books, producing an unfair account to Mr. James Hope at Surat, to shew, that the parcel of lead sold to the brokers was his own property, and that the parcel purchased by Vendravan remained in the factory: Whereas on an examination it appear'd, that the small parcel found there, neither answer'd the description in quantity and sorts; nor indeed could said Henry Lowther expect any credit to be given to his books,

The broker hath declared in the presence of the governour and council at *Bombay*, that (not long before he the broker came to *Surat*) Mr. *Lowther* sold to him the said *Vendraman's* lead, and that he sent it *Brodera*, to raise money for carrying on the investment, and he the said broker hath inserted its amount among the moneys the said broker acknowledges to have receiv'd from Mr. *Lowther*, as may be seen under the 8th article of this charge, which article of lead having no date affix'd thereto, *Jaggernaut* gave for reason, that Mr. *Robinson*, who was Mr. *Lowther's* book-keeper, had not agreed with him what the date of that and some other sums should be. Besides the remains of lead in the factory deliver'd over to Mr. *Braddyll*, could not be that sold to *Vendravan*, since these remains consisted of one hundred forty slabs, and twenty four pigs, weight four hundred twenty-two pucca maunds, eleven seers and a half, and that sold to *Vendravan*, consisted of two hundred sixty-eight slabs only, weighing six hundred pucca maunds and twenty-two seers and a half, from which there is no room to doubt, the justice of this charge, or the disingenuity of the reply therein quoted, since it is well known, that *Vendravan* hath long been a bankrupt, and the broker affirms by reason thereof, dares not to appear in *Surat*. Mr. *Braddyll's* report fully proves this article, under the head of lead said to be sold *Vendravan Lolljee*.

books, since it might be justly presum'd, he had kept his own private books as unfairly as the books of the factory, which it is manifest were full of false and fictitious entries adapted to his private convenience.

ARTICLE V.

That the said Henry Lowther in breach of his trust, did by an undue and unfair influence jointly with Messieurs Robinson and Ramsden, oblige the brokers to give him bills of exchange for twenty-five thousand rupees upon their vackeel or agent at Dilly, in favour of Lolla-se Sunker Merchant of Surat, to be paid out of the concerns that so long ago as September 1731, were assign'd to the said Company his employers, for payment of three lacks, or three hundred thousand rupees, which the said Henry Lowther, &c. factors in Surat, were then directed to send by bill to the presidency of Bengall; the immediate remittance of one lack whereof was indeed afterwards dispens'd with, and the other two lack being negotiated by letters of credit, in lieu of proper authentick bills of exchange, a great part thereof remains uncompleted to this day; and the secret draught of that sum of twenty-five thousand, tended evidently to the entire loss of so much to the honourable Company as should be complied with, as well as to the further delay of that shameful and unmercantile remittance in prejudice to his employers, and is an immediate lessening of the brokers particular debt to him, the said Henry Lowther, at their expence.

Mr. *Lowther*, Mr. *Robinson* and *Ramsden*, are not less guilty of a breach of trust by the bills being return'd, than they would have been if they had been fully discharg'd; for altho' Mr. *Lowther* and *Jaggernaut* endeavour'd to evade the charge after the transaction was publickly known, it is evident, that the first and second bill was drawn and sign'd by *Jaggernaut* for the sum mention'd in the charge, before he *Jaggernaut* set forward for *Bombay* in *December* last, and were afterwards transmitted by *Lolla-se Sunker* to *Dilly*, but return'd six thousand rupees, only being paid in part, the vac-keel saying he had not moneys in hand to discharge the remainder. It is to be remark'd, that the bills were drawn to indemnify Messieurs *Robinson* and *Ramsden*, who had engaged to pay off *Lolla-se Sunker* at a certain day, in case said bills were not complied with, attested copy of the bill was deliver'd to Mr. *Braddyll* by said *Lolla*, and its translate is under N^o. The ballance due on account of the above two lack, was the 31st *July* 1735, no less than ninety thousand six hundred fifty-five rupees and twenty pice. See Mr. *Braddyll*'s report under the 8th head.

The

ARTICLE VI.

That the said Henry Lowther, in breach of his trust as aforesaid, jointly with Messieurs Robinson and Ramsden, did cause divers irregular, false and fictitious entries to be made in the honourable Company's books, and other registers for several years, but more particularly in the year 1734, whereby the brokers appear literally to have been contracted with for the investment, whereas the beneficial part thereof was secretly given to others his merchants, and accordingly monies paid and goods sold them at an extraordinary rate, the brokers nevertheless appearing (as above-mention'd) by the company's registers, to be the contractors, and solely accountable to the said Company for the performance thereof; by which piece of clandestine and undue management, the credit of the honourable Company's brokers was greatly damaged, and their ability to lessen the large debt due from them to the said Company, render'd yet more desperate, and the said Henry Lowther made to himself a considerable gain of interest, debting the broker's account of investment on the Company's books for large sums falsely pretended to be paid them on certain days, namely, April 4, 1734, cash

	rupees.	pice.
said to be paid	100000	
May 31st ditto	55000	
July 9th ditto	10101	8

rupees 165101 8

whereas in reality, what sums were paid were made good to them at sundry times by transfers, and other ways, and not in cash, according to the several dates above-mentioned, taken from the said books of accounts, neither did he the said Henry Lowther pay to the said brokers at any time, or in any manner, near seventy thousand rupees of the sums they stand charg'd with upon account of the said investment 1734, as above-mention'd.

A R.

The first part of this article is fully proved by the shorff's declaration, and Mr. *Ramsden* we are assur'd has often complain'd, that he could get no money from Mr. *Lowther* for the amount of his monthly disbursements, as steward or purser marine of the factory, insomuch that he at last refused to advance the moody any money from his private cash, for that he would accept of no more transfers, and yet it appears by the accounts, as if he was regularly paid in money every month successively; and for what concerns the investment, the broker *Jaggernaut* declares that he receiv'd part at times, by sundry transferrs upon the purchasers of the honourable Company's broad cloth, and the remainder being near seventy thousand rupees, stood on the company's books, charg'd the family account, but were never paid him. That the most beneficial part of the investment was deliver'd out to be compleated by *Cojab Melleck* and *Naugur Luckmidass* of *Surat*, but how and in what manner the money was advanc'd, he knows not. That he heard indeed and believes, that they took a quantity of goods off his hands, but cannot positively say they were in part of the investment. That he told Mr. *Lowther* when he took that part of the investment from him, and put it into their hands, he might date the entire ruin of his credit from that juncture, which the event has since confirm'd. Mr. *Lowther*'s accounts produced before the council, clearly manifest the irregular entries on the factory-books, and that the several sums mention'd in this article of the charge were transferrs, and that great part of the investment was given to the above-named *Melleck* and *Naugur*, copy of which account is under N^o.

The

ARTICLE VII.

That the said Henry Lowther, in breach of his trust, as aforesaid, with the aid, privity and assistance of Messieurs Robinson and Ramsden, did cause many undue and false entries to be made in the honourable Company's books, and other registers, of the year 1735, wherein he made appear, that he, the said Lowther, had advanced, at three several payments, one hundred and seventy thousand rupees, for carrying on the investment of that year; and accordingly their account of investment is debted on the said books, to cash made, received of Henry Lowther, in the following sums:

		Rupees.	
July 26th, 1745, said to be paid	}	100,000	: :
to them - - -			
November 29th, ditto - -		50,000	: :
December 31st, ditto - -		20,000	: :
		Rupees 170,000	: :

Whereas the same was made good to them, in many small payments, in goods, and by uncertain transfers, and of little service towards the due execution of the undertaken investment, to the great discredit and detriment of his employers; the goods, by such means, being ill perform'd, and kept back by the workmen, for want of pay, in so much, that seventy bales of the said investment are, to this time, outstanding, although the brokers appear to have been advanced money, exceeding the amount of the goods contracted for, all charges included; by which means, the honourable Company suffer a loss of interest upon the remains not yet brought into warehouse, and a much greater, by the undue credits the said Henry Lowther hath given himself, upon the books of the factory, to the decrease of the brokers debt to himself, at the Company's expence.

ARTICLE

The broker *Jaggernaut* declares, that although the family appears to be debted, the 26th *July*, 1735, for rupees one hundred thousand, he received it at several times, and in different sums; nor was the same compleated, till Mr. *Lowther* return'd from *Bombay*, the latter end of *September* last. That the other sums were made good likewise, at divers times, as will appear from the following genuine account of the sums made good to him, for carrying on the investment, viz.

1735.			Rupees.	Qrs.	Pica.
<i>July</i>	26, Cash	- -	7000		
	29, ditto	- -	4000		
	30, Assignment on dates		700		
	31, ditto cash	- -	1800		
<i>August</i>	9, ditto	- -	10000		
	10, ditto	- -	21000		
	17, ditto	- -	810		
	23, ditto	- -	700		
	25, ditto	- -	1300		
	29, ditto	- -	1350		
<i>September</i>	4, ditto	- -	750		
	8, ditto	- -	1000		
	10, ditto	- -	1000		
	13, ditto	- -	1000		
	18, ditto	- -	1550		
<i>October</i>	2, ditto	- -	300		
	4, ditto	- -	700		
	7, ditto	- -	125		
	9, ditto	- -	3000		
	11, ditto	- -	3000		
	12, ditto	- -	3300		

Carried over 64385
d d

Brought

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		Brought over	64385	
	21, ditto	- -	10000	
	22, ditto	- -	3075	49
	ditto	- -	1500	
	24, ditto	- -	700	
	25, ditto	- -	2000	
November	12, ditto	- -	2000	
	18, ditto	- -	5800	
	25, ditto	- -	2000	
	28, ditto	- -	2778	48
	Sundry parcels of } sugar and jagree }		2500	
December	4, Transfers on Cojab }	Melleck - }	17455	26
	5, Cash	- -	11000	
	6, ditto	- -	3500	
	7, ditto	- -	1500	
	8, ditto	- -	2000	
	9, ditto	- -	2000	
	11, ditto	- -	1775	
	13, ditto	- -	2100	
	15, ditto	- -	1000	
	17, ditto	- -	4000	
	18, ditto	- -	1500	
	19, ditto	- -	2000	
	22, ditto	- -	498	
	27, ditto	- -	150	
	30, ditto	- -	600	
	Benjamin		3900	
January	2, Cash	- -	1000	
	7, ditto	- -	500	
	12, ditto	- -	500	
	20, ditto	- -	252	
	28, ditto	- -	500	

Carried over 156469 59

d d 2

Brought

ARTICLE VIII.

That the said Henry Lowther in breach of his trust, as aforesaid, upon the death of Lollads Vittulads, did assent and connive at the sons of the said Lollads paying off many of teir deceased father's debts, and in manifest neglect of his said employers interest and concerns, took no steps or care to secure the whole, or any part of their debt.

ARTICLE

	Brought over	156469	59
These four articles have no dates fix'd to them.	Lead said to be		
	<i>Vendravan Loll-jee's</i>	4800	
	Camphire	5000	
	Raw silk	5000	
	Transfer account	1000	
	ship <i>Nassau</i>		
	Rupees	170269	59

See Mr. *Braddyll's* report in the consultation book, under the 2d *April*. Notwithstanding which seeming fair payments, and transfers, acknowledged thus by *Jaggernaut*, yet he declares, that there is still due to him five or six thousand rupees, to make up the said sum of one hundred and seventy thousand, two hundred sixty-nine, and fifty-nine pice; from which it may be reasonably inferred, that there is a further misapplication of the said Company's money to Mr. *Lowther's* private service, as on examination of the account mention'd in article 6th, will more plainly appear, being entries taken from his own books, and shews the receipt of sundry sums of the said Company's money, for their goods sold at outcry, and could not, in any manner, have relation to his, the said *Lowther's* particular books, but by his making use of the said moneys for his private service, when it ought to have been paid to the brokers.

It appears, by the declarations of *Lolla-se Sunker*, *Cursundajs*, and *Jaggernaut*, that four or five lacks of rupees were thus paid away, immediately after *Loll'daj's* death. See Mr. *Braddyll's* report in the consultation book, under the 2d of *April*.

Jaggernaut

ARTICLE IX.

That the said Henry Lowther, in breach of his trust, knowingly and willingly deceived the governor and council of Bombay, by a repeated false information, and advice, that the said brokers, after all their debts were discharged, would have a handsome capital remaining; which misrepresentation, prevented such effectual measures, as, at that time, might have procured the honourable Company some satisfaction for the great debt, now render'd entirely desperate.

ARTICLE X.

That the said Henry Lowther, in breach of his trust, as aforesaid, did, at sundry times, clandestinely, and with the knowledge and privity of Messieurs John Robinson and James Ramsden, to his own proper use and conveniency, apply large sums of the said Company's current cash; to conceal which unfaithful management, and cover the deficiency, he directed the Company's Shroff to set down large balances of cash, though there was little or none in the treasury.

ARTICLE

Jaggernaut's declaration for the supravisor, that he excused himself for not clearing with the Company, assuring him the family must break, if he pressed them upon their account; and the letter, of the 22d *January* last, to *Bombay*, wherein Mr. *Lowther, &c.* write, "that before *Lolldass's* death "it was very well known, that his affairs were up-
"on the decline," compared with the following extracts, letters from *Surat*, and diary, sufficiently prove this part of the charge, and shew, incontestibly, the misrepresentation, and unfair entries in the diary of that time, touching these articles. The dispensing, afterwards, with the remittance order'd for *Bengal*, and the great indulgence granted the family, of paying the debt to their masters, by a lack, to be discounted annually out of the investment, which he took care they never complied with, are further proof of this article.

For proof of this article, the monthly cash accounts clearly demonstrate a misapplication of his employers money, as set forth in the charge, more particularly for the months of *July, August* and *September, 1730, March* and *July 1731, March, June, August* and *September, 1732*, in which last it plainly appears, that there is six thousand rupees taken up at interest, in three several sums, from the broker, for defraying of the factory expences, while the balance of the preceeding month, and some other receipts of cash, was more than sufficient to defray the disbursements of that month, and which, in truth, amount to no more than one thousand seven hundred thirty, and thirty-six pice. so that the balance of the *September* cash appears to be

be rupees six thousand five hundred ten, and three pice, applied to Mr. *Lowther's* private service, since 'tis evident it was not required for the service of his masters, something of the same kind is to be seen in several following months; and, in particular, the balance of cash the *ultimo* of *July*, 1734, being rupees thirty thousand six hundred fifty-five, and twenty-six pice, was not at that time in specie in the chest, nor was the balance the 5th *September* following, being rupees twenty-six thousand three hundred forty, and fifty nine pice, part of the said thirty thousand six hundred fifty-five rupees, and twenty-six pice, actually paid to the brokers, on account of the investment, but was a bare transfer, and the money before applied to Mr. *Lowther's* private service, as will appear by the following declarations of the Shroff, &c.

Shamdass Waffindass, the late Shroff, declares, that although Mr. *Lowther* caused him to set down rupees thirty thousand six hundred fifty-five, and twenty-six pice, as a balance in specie the *ultimo July*, 1734, yet the sum in the chest was so inconsiderable, that Mr. *Lowther* obliged him, under the 5th of *August* following, notwithstanding he was then discharged from his office, to pay out of his own proper money the steward's account for said *July*, being rupees eleven hundred eighty, and twenty-three pice, and that the said sum was not repaid to him, the said Shroff, until Mr. *Braddyll* had the matter under examination. It is observable, upon this head, that the cash account is duly credited for said sum of eleven hundred eighty rupees, and twenty-three pice; but it is no where debted, as it ought to have been, for the money so received by the Shroff; from whence, and declaration of the steward *William Lowther*, it clearly appears, that the said balance of thirty thousand six hundred fifty-five rupees, and twenty-six pice, was not in the

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chest,

ARTICLE XI.

That by the management and direction of said Henry Lowther, with the aid, privity and knowledge of Messieurs

chest, that Mr. *Lowther* forcibly took, and applied the said sum of rupees eleven hundred eighty, and twenty-three pice, to his own service, and that the entry in the cash account is entirely fraudulent and fictitious.

Mr. *William Lowther*, the steward, being interrogated, declares, that though he appears to be the receiver on the books, he did not receive the said eleven hundred eighty rupees, and twenty-three pice.

Samboodass Na-singdass, who took charge of the Shroff's office, the 1st of *August*, 1734, from the above-named *Shamdass*, declares, that there did appear, by the account, a balance of thirty thousand six hundred fifty-five rupees, and twenty-six pice, which Mr. *Lowther* told him to write into his cash book. That he, the said Shroff, did enter that sum accordingly, as a balance, the 1st of *August*, 1734, and did the like many times afterwards, as he was ordered by Mr. *Lowther*, but that there did not often appear to him any quantity of real specie belonging to the honourable Company in the chest, for that the cash accounts consisted, generally, of transfers betwixt Mr. *Lowther* and the brokers, which were far from being equal to ready money. The said *Samboodass* further declares, that although the balance of cash, the *ultimo June*, 1735, appear'd to be rupees sixteen thousand twenty-one, and fifty-one pice, and the 31st *July* eighteen thousand fifty-six, and forty-two pice, yet, so far from its being real cash, that he was obliged to apply to other merchants, to advance money on his own credit, towards clearing the factory expences, and on which, and other accounts, Mr. *Lowther* is still largely indebted to him.

This article is proved in due consequence, by several declarations and vouchers, in the course of

Messieurs Robinson and Ramsden, the factory books of accounts, diary, &c. which according to the standing rules and orders of the service, ought to be fair and exact registers of the mercantile dealings and other transactions of the honourable Company's affairs, have been greatly falsified, and are evidently interspers'd with forgery and fiction, just as they occasionally serv'd to promote Mr. Lowther's private views, or to cover his unfaithful practices; such as debting the brokers account of investment, and account at interest, to certain sums of cash, as so much paid them, when in fact there was no real specie in cash; which failure of due supply made the performance of the investment difficult to the brokers, lessen'd their particular debt to himself, and absolutely debarred the governor and council from discounting any part of the lack of rupees the broker had promis'd to pay off annually in part of their debt to the said Company.

this charge, as well as by the accounts taken from his own books, as those N^o , and will show compared with the factory books in the heads concerning the advancement of cash towards carrying on the investment : and there is no doubt to be made, from the nature of the charge, and the several proofs to support it, but that Messieurs *John Robinson* and *James Ramsden* have been made use of to all the ill purposes set forth in this and other articles of the charge. The former being Mr. *Lowther's* book-keeper and letter-writer, and the other kept the books of the factory, Mr. *Robinson* swears positively that some articles, for which the broker is debted to cash, were made good by transfers : and as positively swears, that he knew not of Mr. *Lowther's* having applied to his own service any sum of the Company's money, except that of the raw silk : which last is scarce to be credited by the most partial in his favour, since the books of the factory are a sufficient testimony against him ; and as book-keeper to Mr. *Lowther*, who, 'tis well known, is himself altogether a stranger to the method of book-keeping, none will, surely, pretend to say, that he is ignorant or innocent ; but rather that he did assist, aid, and direct the concealing the aforesaid unjust transactions in the said Company's books, and misapplications of their money. And as all such misapplications and transferrs have been an immediate lessening of the broker's debt to Mr. *Lowther*, by so much hath the brokers been encreas'd to the honourable Company his employers ; thus debarring the governor and council from receiving the lack of rupees they the brokers had promis'd to discount annually out of the investment ; a method of payment these gentlemen earnestly solicited for, which, it is too manifest, was to serve their and their friend's private purposes, at the expence of their masters.

For

ARTICLE XII.

That the said Henry Lowther, by indirect means, in breach of the trust reposed in him, and in contempt of the standing rules and orders of his superiors for the encouragement and maintainance of a free trade, did, during his Chiefship, use his power to obstruct the Bengall gentlemen, and other traders to Surat, in the way of their lawful business, by intimidating the merchants, brokers, and others, from purchasing their goods before his previous consent was had and obtained, causing such as did, or would not otherwise gratify him in his selfish demands, to be taken up by the government, and by them beat and plundered, to the entire ruin of the English credit and trade at Surat.

ARTICLE XIII.

That the said Henry Lowther procured a junto of brokers to be at his own disposal; and did, without any authority from his superiors, or other but his own arbitrary will and pleasure, lay a duty of two per cent upon all purchases from the English merchants, payable to himself. And when he found a general clamour and outcry against this new and insolent imposition, he was pleas'd to take it off, and annull it by the same authority.

ARTICLE

For proof of these several articles we have the following declarations, as will appear more fully by Mr. *Braddyll*'s report of his enquiry, entred after consultation of the 2d of *April*, reference being thereto had.

Mr. *George Williamson* declares, that in *February* 1733-4 he had sold goods to sundry merchants, to the amount of eighty thousand rupees; but that Mr. *Lowther* being displeased therewith, the merchant suddenly left the house, and dared not to take them away before they had his leave for so doing; and that in the mean time two of the brokers were imprisoned by the government, procured, as the declarant was told, by Mr. *Lowther*'s orders: which appears highly probable from Mr. *Lowther*'s remarkable declaration, namely, "*That he desired*
"*God might never forgive him if he forgave them,*
"*(meaning Messieurs Williamson and Baillie) adding,*
"*You have done mighty well, in selling what you have*
"*of your cargo, but go home and see if a man dares*
"*enter your house, or receive any of the goods he*
"*has bought: And if you think you can get redress,*
"*I will give it under my hand, and you may send it*
"*to the governor and council of Bombay, or have*
"*it sent home, and pasted up in Leadenhall-street;*
"*and I would tell the court of directors myself, that I*
"*would not come here to suck my thumbs, or let a*
"*parcel of rascals (meaning the English brokers and*
"*country merchants) whom I protect, eat the bread*
"*out of my mouth."*

ARTICLE XIV.

That the said Henry Lowther used frequently to extort loans of money from the merchants at Surat, by violence and terror: and when he could not get credit of them by fair means, to procure them to be seiz'd, beaten and plundered, by the government; after which he applied to others with threats of having them treated in the same manner if they refused to supply him.

Rogoo Dodjee and *Lacoo*, the brokers, declare, That they were instantly taken up by the governor's Peons, for the purchases they had made of Mr. *Williamson*, on information given into the Durbar, but were releas'd afterwards, as they understand, at Mr. *Williamson*'s intercession with Mr. *Lowther*: And declare, that until then it had never been customary for the government to take notice of any bargains transacted between the *English* and the merchants. They likewise aver, that Mr. *Lowther* had declared, that he intended to levy two *per cent.* on all bargains of goods bought by the private brokers of the *English* gentlemen. *Boydass Ragoojee*, a broker, declares, That to his knowledge, anno 1734, Mr. *Lowther* insisted on two *per cent.* for share in all purchases from the *English* merchants by the brokers; that therefore their contracts with the purchasers mentioned, that they the purchasers should answer any such extra duty. That when he, *Boydass*, with other brokers, ask'd Mr. *Lowther*, whether that two *per cent.* was to be levied on the goods bought of Mr. *James Hope*? he, Mr. *Lowther*, bid them begone, calling them rascals for pretending to ask him questions, and that they might apply to *Jaggernaut*.

Naugur Gottab, merchant, of *Surat*, declares, That in *November* 1735, Mr. *Lowther* asking him for a loan of ten thousand rupees, he evaded the request, pleading a scarcity of money, with which Mr. *Lowther* being dissatisfied, told him, "That he would not trouble him again, and that he, *Naugur*, should not make any application to him, in case of his receiving any trouble from the government." That on the 10th of *December* following he was sent for to the Durbar, where he was seized by the governor's brother, *Golam Mahmud*, his cloaths torn off, and his hands tied up to a beam, whilst two slaves beat him with a
f f bamboo;

bamboo; after which he was confined to a dark room for three days, without victuals or drink, until he gave security to pay twenty thousand rupees to the governor, besides six hundred and forty rupees to the officers; for payment of which sums his goods were taken out of his house, and sold at any rate until the same was compleated. That sundry merchants affirm'd to the declarant, that upon their application to the governor on his behalf, the said governor declared publickly, that Mr. *Lowther*, by the broker, intimated that such a procedure would be agreeable to him: when it was also confirm'd to the declarant by certain information, that this prosecution and pillage were owing to Mr. *Lowther's* resentment, merely because he did not lend him money when he ask'd it.

Lolly Naugur, son of *Naugur Cottab*, declares, That on applying to *Jaggernaut* to interpose for the release of his father, he among other things told him, that he would use his endeavours, provided *Naugur Cottab* would lend Mr. *Lowther* fifteen thousand rupees.

Tarwarry, the most noted Shroff in *Surat*, declared, That on his asking *Monackbund*, the governor's duan and chief manager, concerning the abusing and plundering of *Naugur Cottab*, he answered, "It is not our fault; his masters the *English* put us upon it."

Boanny Sunckar, bramin and merchant of *Surat*, declared, That he was advised by *Jaggernaut* to lend Mr. *Lowther* a sum of money, rather than hazard his giving him trouble at the Durbar. Upon which, and hearing it was publickly talk'd that *Naugur Cottab* was imprison'd for refusing to lend Mr. *Lowther* money, he complied with his request, and for which Mr. *Lowther* is still indebted to him.

Aga Maul, an *Armenian* merchant, together with his broker *Pursulum Vittull Umackley*, declared, That
the

ARTICLE XV.

That the said Henry Lowther, well knowing his insolvent condition, did nevertheless, to the apparent prejudice of his lawful creditors in India, dispose of a large sum of money, even three thousand pounds, with jewels and valuable goods to a considerable amount, which the said Henry Lowther sent home with his spouse, anno 1734-5.

ARTICLE XVI.

That the said Henry Lowther, absolutely disregarding all rules of equity, common honesty, and the known usage in cases of insolvency, did before his leaving Surat, and after demand was often made in behalf of his employers, alienate divers of his effects to Lollafe Sunkar, and others, injuriously excluding his employers, and others his creditors, from their right to an equitable proportion.

ARTICLE

the said *Aga Maul* having purchased of Mr. *Josiak Holmes* ninety-three bales of raw silk, Mr. *Lowther* was so much provoked, that he procured thirty or forty of the silk-brokers, and others, to sign an instrument, jointly engaging themselves not to promote, or any ways assist the said *Aga Maul*, in the reselling of said parcel of silk. That said silk lay upon his hands full six months, without a possibility of a vend, until by a proper application to Mr. *Lowther*, he got the writing cancell'd, tho' he suffer'd great loss by interest, and the fall of the market.

This article needs no other proof than to say, that Mrs. *Lowther* embark'd with Mr. *Cowan* in *January* 1734-5, and carried at that time bills on the honourable Company for three thousand pounds sterling, sworn to be his own property, with jewels, plate and necessaries to a large amount.

The foregoing is partly a proof of this article; but to support it there are several other undoubted facts, namely, the delivery of his plate for payment of a debt due to the *Capuchin* priests in *Surat*, trustees to sundry orphans, of about four thousand rupees; a transfer made by *Jaggernaut*, in favour of the *Dutch* Chief, for about three thousand rupees; and the payment of *Lolla-se Sunkar* in money, and by assignments, in the manner following, taken from a list thereof given in by the said *Lolla-se Sunkar*.

Rupees.

In ready money	850
Advanc'd <i>Vorab</i> , a transfer,	1360
Capt. <i>Robart's</i> respondentia bond	1365
<i>Scindy</i> bills	6000
<i>China</i> ship's stock, a transfer from <i>Kiccoo Doddab</i>	3000
Looking-glasses, 50 pieces, bought for	2000
	14575

*These several articles Lolla-se Sun-
kar is in possession of.*

1000 corge of gunnys	3000
16 chests <i>China</i>	3000
Guns, &c. stores	2000
After Mr. <i>Lowther</i> is gone from <i>Surat</i> , to be paid out of the sale of his household furni- ture, &c.	2000
To be receiv'd from his con- cern in the <i>Fame</i>	2000
Ditto <i>Carolina</i>	2000
Ditto <i>Fame</i> from <i>Juda</i> , being in part of freight	1250
<i>Ingleby Draper</i> , his debt	3000
Captain <i>Lewis</i>	3000
	21250
	Rupees 35825

*These several articles Mr. Bonnell is either in posses-
sion of, or hath power to receive and pay to Lolla-
se Sunkar, until Lolla's debt is fully discharged.*

Mr.

ARTICLE XVII.

That the said Henry Lowther, notwithstanding the honourable Company's jealousies and fears express'd of him in their general letter by the Scarborough, and his consciousness of an inability to pay for the pre-mention'd purchase, had the assurance to offer himself as a purchaser in the sale made at auction the following year, and to attempt imposing insufficient security upon the president and council at Bombay, altho' he could not find any able sponfers even for the residue of the last, which he is still indebted for to his employers.

ARTICLE XVIII.

That the said Henry Lowther, amongst other abuses of the advantages of his trust and post, employed them to corrupt and seduce some of the servants and factors under him from the duty and fidelity they owed their honourable masters, by admitting them into a partnership and privy in his guilty measures, and using them as instruments therein, insomuch, that they had shaken off all dependance on their superiors at Bombay. Others he brow-beat, and deterr'd by injuries to their private fortune, from giving a proper notice of his procedure, and by which means he govern'd the general advices, and with his letter-writer, Mr. Robinson, so adapted them, as to screen from his superiors a just and fair account of affairs and transactions under his direction.

ARTICLE

Mr. *George Dudley* bid on the said *Lowtber's* account, as express'd in the charge, (and see the letter from *Surat* of the 3d of *January* 1735-6) wherein it is positively declared, being but two months afterwards, that his debt to his employers would be rendered quite precarious, if the governor and council press'd him to find security for what was then remaining unpaid of this debt.

This is fully manifested by several of the preceding articles, and the behaviour of Messieurs *Robinson*, *Ramsden*, and *Hamilton*, upon Mr. *Braddyll's* entering upon the enquiry in *Surat*: Their papers and protests, and several late letters on the registers, will sufficiently shew that they thought themselves no ways accountable to the governor and council of *Bombay* for any thing they should do; and rather seem to dictate than to be under controul. And as for Mr. *Lowtber* himself, his letter dated the 22d of *March* from *Surat* Bar, even disallows that the *East-India* Company, his employers, have any authority over him: nor is he inclinable, by what he therein sets forth, to submit to the jurisdiction of any court or assembly under the king in council. Messieurs *Hope* and *Taudin*, their letters in justification of themselves, which accompany this, prove the other part of this charge.

ARTICLE XIX.

That the said Henry Lowther, without the previous order and authority of his superiors at Bombay, engaged and involv'd his employers in a civil war against Sorab Caun, governor of Surat, without any apparent grounds or motives sufficient to justify a step so bazardous and dangerous to the Company's estate and lives of their servants in that city, as well as of ill consequence to their privileges, which are still left liable to be question'd upon that account.

ARTICLE XX. *

That the said Henry Lowther, being moved by private and personal views, without any regard to the interest of his employers, or common humanity and justice, officiously, a second time, engaged the English in the imprisonment of Mahmud Ally, often counselling the present governor Teg Beg Caun (who afterwards had Mahmud Ally murder'd in prison) and joining basely with him in signing a writing, with other merchants, (which the Dutch refused) against the said Mahmud Ally, which, with the frequent invectives, and other severities Mr. Lowther used to that family, has brought upon the English the scandalous aspersions of being the cause of that family's misfortunes and ruin, and is likely one day to bring great trouble and damage to the said Company.

* The Report states the share Mr Lowther had in that affair very clearly (article the 9th.) by which it appears, on the appeal to Mr. Lowther's own Diary, that there was at least a very impolitic conduct observed on his side. All the rest, being rather presumptions than proofs, are therein candidly submitted to judgment.

The *Surat* Diary, and letter-books under his own hand for *June* and *July* 1732, and Mr. *Braddyll's* report of his enquiry, clearly proves these two articles.

N^o 42.*Governor HORNE's Justification.**Gentlemen,*

AS the charge against Mr. *Henry Lowther*, late chief of *Surat*, is now form'd and deliver'd in to this board, in order to be transmitted to our honourable masters by the first conveyance, it is incumbent on me to justify myself against the base and slanderous introduction of my name, to countenance his own embezzlement of his employers estate.

The falsity and inconsistency of this insinuation would, I am persuaded, appear self-evident from the bare perusal of the note Mr. *Lowther* may have of mine in his hands, and which he and his adherents lay so much stress upon, as a voucher of my approbation; but when I shall add a plain and true relation of the nature and circumstances of that transaction and note, very little doubt will remain of there being any baseness Mr. *Lowther* is not capable of, after this infamous abuse of my candour and friendship.

About the middle of *July* 1735, Mr. *Lowther*, being at *Bombay*, tender'd me two perplex'd accounts, entitled, "Account of sundry's received into the honourable Company's cash, for which "*Jaggernaut* and company are accountable: And "*also* their credit, being the sundry charges of the "*factory*, and invoices of stores sent to *Bombay*, and "*other* charges; and account of sundry's really "*supplied* from *Bombay*, for carrying on the investment, *pro anno* 1734, N^o 1." Making demand at the same time for the balance of the latter, rupees

rupees thirty-nine thousand sixteen, and twenty-nine pice, which sum, he pretended, he had advanced on the honourable Company's account, to complete their investment 1734. On a cursory perusal I could make nothing of the accounts; however, I order'd them to be examin'd, and compared with the *Surat* books, F. F; ending the 31st July 1734. On examination the accounts did not appear conformable to *Jaggernaut's* accounts of interest and investment, *pro anno* 1734, on *Surat* books F. F; and tho' they seem intended, as a state of the quick stock of *Surat* factory, they did not answer that title. The balance of cash, on close of those books, tho' no less than rupees thirty thousand six hundred fifty-five and twenty-six pice, being taken no notice of, besides some other errors of less importance; much less could these accounts tend to prove Mr. *Lowther's* demand on the company.

This occasioned the accounts of *Surat* quick stock and investment, N^o 2. to be stated, being drawn out from *Surat* books F. F, and Mr. *Lowther's* own information, that *Jaggernaut* had made good seventy-five thousand rupees to the investment, in September 1734. By these there appear'd but a small matter due, on account of the investment. This I acquainted Mr. *Lowther* with; and at the same time, that I could, by no means, admit of his demand, esteeming indeed whatsoever should be allow'd him on this account, would just so much lessen the broker's desperate debt to him, and increase it to the Company.

Mr. *Lowther*, not satisfied with my answer, then produced part of his account with *Jaggernaut* and company brokers, N^o 3. whereby he made a balance of rupees thirty thousand three hundred seventy, and six pice, due to himself, as advanc'd on account of said investment. This only proved (what the former accounts gave me reason to suspect) that the

the business of *Surat*, particularly the investment, had been carried on by a heap of transfers; which I admonish'd him of, telling him nevertheless, that tho' this account (being a partial one, and not the whole of his account with *Jaggernaut* for the time) was very insufficient to prove his last demand (which was odd should differ so much from the former) yet if on the arrival of the *Surat* books, ending the 31st of *July* 1735, his demand should prove to be just, he might still receive back from *Jaggernaut* his real balance, who, I supposed, had received the money for the silk sold at *Surat* the preceding *March*, and which, I thought, had been appropriated to finish the investment.

It seems a verbal assurance was not what Mr. *Lowther* wanted, who writing to me in *August* on another subject, again press'd his demands. I answered him in a note (whereof I have not so much as kept a copy, but to the best of my remembrance I therein express'd) how much concern it would give me to be obliged to take a proper notice of his undue manner of transacting the Company's business by transfers; and repeated that he might receive his balance back from the brokers, who, I judg'd, had been debted for the Company's silk money.

The *Surat* books G. G, ending the 31st *July* 1735, did not come down till the latter end of *December*, several months after Mr. *Lowther*'s return to *Surat*, whereon the broker's account of interest appears debted rupees forty-six thousand eight hundred thirty-nine, and twenty-three pice, the neat amount of the raw silk under the 13th of *March* 1734, and credited rupees twenty-five thousand six hundred twenty-six, and forty-seven pice, as the balance of the investment 1734, under the first of *June* 1735, due the preceding first of *March*. This convinc'd me Mr. *Lowther* had no just demand on the Company on this account. Soon after, *Jaggernaut* discover'd

cover'd in council that Mr. *Lowther* had actually receiv'd from the buyers forty-six thousand rupees of the silk money, the beginning of *March*, and then it appear'd that the mystery of making such a bustle with his demand in *July* and *August*, was only a low piece of artifice to obtain something under my hand that might (at the expence of my character) seem to skreen him for a palpable breach of trust, and embezzlement of the Company's cash he had been guilty of some months before.

His baseness in attempting to impose upon me an unreasonable demand on the Company, after he had been paying off the broker's debt to himself at the Company's expence, by his transfers, while he made use of their ready cash, sure nothing can equal, unless his abuse of my tenderness to him on that occasion, in the use he now makes of my name. But the weakness of this expedient must appear to every one who is acquainted with the real fact.

My concurrence to the payment to be made in *Surat*, suppos'd that there was a real debt owing by the Company to Mr. *Lowther*, as it then appear'd he had taken part of the investment out of the brokers hands, and that it should be proved on the receipt of the factory books from thence; yet this he and his adherents have the folly and assurance to plead in justification of his seizing to himself a much larger sum than his pretended balance, (which is yet unproved) above five months before the date of the unwary note he drew from me, by the above base means; and I solemnly declare, I did not, at that time, know, or even suspected, that Mr. *Lowther* had received all, or any part of the silk money, but believed it had been really advanced to the brokers, on account of the investment.

'Tis further observable, that had the brokers advanced seventy-five thousand rupees, on account of the investment, in *September* 1734, as Mr. *Lowther* repeatedly assured me they had, that sum, with the balance, then appearing, by the *Surat* books, to be in cash, would have been more than sufficient to have compleated the investment; but I afterwards found, that the brokers account at interest, has credit under the 5th of *September*, for only rupees forty-eight thousand six hundred fifty-nine, and five pice, as to be made good by them, and the remaining rupees twenty six thousand three hundred and forty, and fifty-nine pice, is only a transfer of the pretended balance of cash, under the 30th of that month. This occasions the balance of rupees twenty-five thousand six hundred twenty-six, and forty-seven pice, to appear due to the brokers, on closing the investment, for which their account at interest has credit from the 1st of *March*, 1734-5, as is above-mention'd, and is another flagrant instance of Mr. *Lowther's* candour and regard to truth.

I esteem myself here obliged to give the reason, why I did not think it proper to bring Mr. *Lowther's* misconduct, in transacting the Company's business by transfers, upon the carpet, immediately on my discovering it.

Mr. *Lowther* was, at that time he laid his account with the brokers before me, deeply indebted to the Company, on account of a purchase of woollen goods, and teeth, made by him in *November*, 1734, and I had many cogent reasons to believe, his circumstances were then little better than desperate: and as he only desired to have credit for his demand, as received in part of his debt, for cloth, &c. which became due the 31st of *October* following, I was willing to leave that matter in suspense, that I might, if possible, recover the remainder

mainder of his debt to the Company, before his bankruptcy became public, which, I apprehend, must be the immediate consequence of a strict enquiry into his mismanagement, at that time; and, in fact, he has since made good several sums, in part of his debt to the Company, which might have been lost, had he been then proceeded against, according to his demerits.

These were my sentiments at that juncture; but his gross trifling with us afterwards, as if, while in debt to the Company, he might do so with impunity, his imbezzlement of the Company's cash, and many other base practices, he has since been accused of, obliged me, at last, to send up a commission of enquiry to *Surat*, the execution whereof has furnished matter for the charge now drawn out against him.

Dated in Bombay, this 18th day of September, 1736.

JOHN HORNE.

S U P P L E M E N T A L
R E M A R K S
O N

Mr. L O W T H E R ' s
A N S W E R to his C H A R G E .

Nº 43.

THough the sum of what is already set forth might more than suffice to establish the *charge* against Mr. *Lowther*, and even force conviction upon the most indisposed to embrace the impression of truths that offend or thwart their party-interest or attachments; I am determined to leave no one any excuse but that of wanting all sense or conception for doubting of Mr. *Lowther's* guilt, since I shall demonstrate that he even

s pares me the trouble of *convicting* him, by effectually taking it upon himself; nor could he, no, not if he was paid for *deposing* against himself, hardly acquit himself better of it.

For example, in his answer to the eighth article, (page 17.) it is not possible to state a proof so strong against him, as he does himself, and that by way of *Defence*! which he thus ushers in: “ *By this article I am, as in all*
 “ *others, attack with strong and false*
 “ *assertions, viz. neglecting the taking*
 “ *any steps or care to secure the whole,*
 “ *or any part, of Loldais's debt to the*
 “ *Company, and for conniving at his*
 “ *sons paying off many of their fa-*
 “ *ther's contracting. How DURST Mr.*
 “ *BRADDYLL CRAM SUCH FALSITIES*
 “ *INTO HIS CHARGE? Every body who*
 “ *is a stranger to the man, and is told,*
 “ *at the time he makes this charge upon*
 “ *me, he knows the contrary to be truth,*
 “ *as it really is, must stand astonish'd:*
 “ *But to prove to a demonstration that*
 this

“ *this article is maliciously and scandalously false*”---Here he proceeds to establish that the sons of *Loldass*, on their father’s demise, *appeared* to him to be worth twenty five thousand pounds, exclusive of “ *the prementioned demand (only seven hundred and fifty thousand pounds) they had on the Company, which they ever kept, and still keep in view.*”

How consistent this supposition of *Assets* is with a passage in a letter sign’d and printed by Mr. *Lowtber* himself, (Page 56.) dated the 22d of *January* 1736, wherein he attributes to himself a very false merit in the affair of the *Bengal* remittances, let the impartial determine.---I quote his own words, and print them in capitals, not only to expose his inconsistency with himself, but as it will further *prove* not only that he must know his own insolvency, when he insinuated himself into the Company’s debt, but when he exhausted himself to clear his friend Mr. *Cowan’s* draughts

draughts upon him, to the prejudice of his other creditors.

FOR AT THAT TIME, (*April 1731*) IT IS WELL KNOWN THE AFFAIRS OF LOLDASS, WERE ON THE DECLINE.

And it is this *notoriety at that time* that Mr. *Lowther* pleads as a merit for his having given up his interest in those remittances.

Mr. *Lowther*, however, in his answer to this article, pretends he *thought* they had a very sufficient capital : Now, after that, is there one who reads his preamble and grievous complaint of the falsity of the *charge of neglect*, in point of recovering all, or at least some part of his masters debt, but prepares himself for, and bespeaks some confutation of this abominable falsity, by Mr. *Lowther's* shewing that he had NOT neglected his trust on this occasion, and had ultimately lessened this debt one miserable rupee at least, if but to expose this Mr. *Braddyll*, who durst cram such falsities into his charge? But
no,

no, not a syllable about any such clearance, instead of which he drops the POINT short, and runs away into his old style of rants and abuse; and with an inconsistency natural enough to such a cause, at once avers that I charge him with a *neglect* I knew to be abominably *false*, and yet proves the truth of it himself, by the plainest presumption from his silence on the head of non-recovery from the brokers, which is the POINT expressly charged to his NEGLECT, and which I defy him to get off from, let him wriggle or flounce till he is out of breath.

FOR if the brokers were of sufficient ability, and he *bona fide* esteem'd, and represented them so, what reason can he give for not recovering, or at least lessening their debt, in all the interval from 1731 to 1736?

If again their circumstances, as he both knows and says were *on the decline*; or if, on pressing them to discharge part of their debt to his masters,
he

he only THEN found he had been, as he says himself, (Page 17.) “ *deceived by the accounts they gave him,*” (a deception he must have met more than half-way) was there not still a stronger reason for his advising this matter fairly to his superiors, and for exerting himself to get as much as possible from them towards satisfying his masters? Instead of amusing them, instead of a forbearance evidently to no end or purpose; and of a *connivance* at the brokers paying off other creditors by lacks, without his once interfering in favour of his masters.

But, by several parts of his libel, without picking or straining meanings, it will appear self-evident, that Mr. *Lowther* is taxed wrong, or rather short-charged with only *neglecting* to *realize* part at least of the debt due to the Company from the brokers: The charge should have expressly run for actually and treacherously *obstructing* and *opposing* any clearance: the unquestion-
able

able presumptive proof of which is manifest from his own declarations, where he takes upon him to *judge* (when his duty and trust required him only to *attorney*, or at most to remonstrate) that this demand of his *Masters* and *Employers* was not a *just* one: and nothing can be plainer, than that he not only encouraged *Jaggernaut* to think so, but carried this manifest violation of his duty, this infidelity to his *Masters* interest, much further, in conspiring with *Jaggernaut* to revive a groundless chimerical demand for no less a sum than seven hundred and fifty thousand pounds (See his Libel, p. 10 and 42.) which must at least have a very untoward oppugnant effect towards engaging him to clear off any part of that demand which the *charge* much too favourably accuses him of barely *neglecting*, in fraud of his *Employers* right, and to their evident damage.

This is *all his own*, and fairly deducible from his *own* allegations. I palm no forced consequences on him: but the memorial sent home by *Jaggernaut*, in the beginning of the year 1736, most assuredly not without Mr. *Lowther*'s participation, (who values himself, page 23, upon having the copy of it in his pocket) if the same, as presumably it is, with that referred to N° I. together with Mr. *Draper*'s intimations under his own hand (App. N° 38.) will yet fuller demonstrate to what excellent hands the recovery of the broker's debt to the Company was recommended, and the truth, in fact, is, that it was taken care of accordingly.

This is one of the specimens I suppose Mr. *Lowther* gives of my want of veracity! Surely one would think he *owed* himself, his friends, and his patrons a *shame*, and was conscientiously determined to *pay* at least that *debt* principal, and accumulated interest.

But

But what is a little too serious in this affair, is, that those who have a stake in the stock, or any concern for the honour and interest of the Company, cannot but be a *little* scandalized to see such a defence as I have just exposed, the only satisfaction, or re-imbursement they are likely to have, as well for Mr. *Lowther's* debt and embezzlement of cash, as for the broker's debt too, above fifty thousand pounds, which Mr. *Lowther* not only rubs off with as little ceremony as a milk-score, but substitutes a demand of seven hundred and fifty thousand pounds, which, however, there spite, if not the clearance off, it seems, may be bought off dog-cheap, by re-admitting this trusty servant, whose fidelity, like his modesty, appears staringly above all price; so that the acquisition of him will be such an excellent bargain, as the letting slip might give the proprietors just cause of complaint.

His *Imbezzlement* of the cash is another Point which he himself contri-

butes the strongest and most unexceptionable proof of: (Page 12.) he pretends that the raw-silk money was paid into his cash *by mistake*, promiscuously with other money, and not before the 13th of *March*; but he unluckily produces (Page 44.) his curious account of *cash* debtor to *cash*, which happens to confirm to a demonstration the declaration of *Samboodass Narsingdass*, the Factory shroff, of the several *dates* and *sums* wherein the raw-silk money was paid to Mr. *Lowther's* own private use, and expressly by his order, (See Article the first of my REPORT, App. P. 112.) between the 6th and 11th of *March*, that is to say, before the Troubles came on, or Mr. *Lowther's* going down, and not from the 13th forward, as he falsely alledges.

The

		The <i>Shroff's</i> Account.		Mr. <i>Lewtber's</i> Account of Cash Dr. to Cash.	
		Rupees.	Pice.	Rupees.	Pice.
March 6th 1734-5.	Received from <i>Hacumatra</i>	5375	—	5375	—
7th ditto	— — —	3000	—	3000	—
8th ditto	— — —	4400	—	4400	—
9th ditto	— — —	9100	—	9100	—
10th ditto	— — —	16135	—	16138	—
11th ditto	— — —	7990	—	7799	—
		Rupees 46000 —		45812 —	

The minute differences in the two last articles prove the congruity between those accounts has not been forced, or jobbed, and may well have been occasion'd by old Rupees return'd, a mistake in copying, or printing. However, I presume, no body will chicane me their being the specific sums attested by his own Cash-keeper to be received for his use, which his own account thus evidently justifies, against his plea of mistake, or absence, as if such sums could be at six different payments by mere error, paid into his *private* cash instead of the *Company's*. Is not this absurd even on his own state of the case?

This

This *Comparison* however of the two accounts respectively furnished at such a distance of time, and place, proves at least the truth of *one* of the declarations taken by me in quality of Supra-visor ; and is, I hope, no bad prejudice against the rest being taken with equal candour, and justice to Mr. *Lowther*.

But when Mr. *Lowther* found out this pretended *mistake*, we shall see how he rectified it ; not, I assure you, by refunding the sum instantly into his masters cash ; ---- no, he thanks you for that ! but he jobs from *Surat* partial accounts extracted from the *Surat*-books ; and by virtue of them cooks up a demand on the Company at *Bombay*, of above thirty nine thousand Rupees (he hoped to have made it fifty thousand) due to himself, as balance of one part of the *Surat* investment : **ALTHOUGH, N. B.** the whole balance of that investment was already *paid*, and entered on those *identical Surat*-books

books, BEFORE the date of his first letters directing such extracts to be made, or sent him : When this would not *pass*, he at length successively fell his demands to that of Rupees thirty thousand three hundred and seventy, and six pice, just as well warranted as the first. However, by dint of teasing, he obtained from Governor *Horne* that note of his, printed in his *Appendix*, page 48. who was so far from dreaming that he had given Mr. *Lowther* any warrant to mis-appropriate his masters cash, that he expressly made it the first article in my instructions to examine into it ; and indeed, in the most rigorous construction, Mr. *Horne's* note was only too innocently given, on a supposition that Mr. *Lowther* did not impose on him by a partial account, which was to be cleared up by the *Surat*-books when they came down ; and in perfect ignorance that the raw-silk money was already, by Mr. *Lowther*, sunk on his masters. Mr. *Horne*,

it

it is indeed too plain, thought, on this occasion, Mr. *Lowther* capable of fair-dealing. And it was but just, and in character for Mr. *Lowther* to make him pay for so gross a mistake, and this he does in a manner most worthy of his head, and heart, by making Mr. *Horne*, in spite of his teeth, an accomplice to an imbezzlement he had not so much as heard of at the time of its commission ; and when he did hear of it, not having the fear of this *Note* before his eyes, appointed an enquiry into.

I leave to Mr. *Horne* to justify himself, if he thinks proper, of the charge formed against him, (pages 11 and 12 of Mr. *Lowther's* libel) for preferring Mr. *Cowan's* interest to that of his employers ; but must remark that such a charge comes with an inimitable grace from a man who, knowing the broker's circumstances, and in course his own insolvency, yet drained himself in such a manner, as bred all that consequent
in-

inability to do his masters and his other creditors justice ; who were thereby palpably defrauded of their proportion, and this by his partial clearance of those very draughts of Mr. *Cowan*, he is not ashamed to reproach Mr. *Horne* with not having saddled himself with ; and this in a letter very formally addrest to the Gentlemen in the present direction ; not one of whom but knows, or may easily convince themselves, even out of his own libel, that I advance in this nothing but what to the Company's sensible detriment is only too true.

However, I insist here, that this partial clearance of Mr. *Cowan's* draughts may be added in supplement to the proofs of the first article, where, in truth it should have stood before, but for Mr. *Horne's* keeping measures so excessively with a party that deserved it as little from him, as from his employers : and it was I am afraid too much his misfortune to think it less safe to disoblige a strong private interest,

k k

than

than to exert himself in opposition to it, for that of Masters, who, in their corporate capacity, might not, (he imagined) perhaps give him credit enough for it, and support him sufficiently against so powerful a party as that of Mr. *Cowan's*; who openly bragg'd of having pack'd the succession, and entailed it on Mr. *Lowther, Robinson*, and all that line: and so high was the certainty of this founded, so industriously propagated, both at *Bombay* and *Surat*, that I am not at all surprized at the weakness of those who, misled by this assurance, joined in attestations favourable to him; as for example, in such letters as are quoted by him in pages 20, 21 and 24 of his libel.

As to his *Credit*, which he says, (page 21.) “*was not bad as (I) have untruly represented,*” I leave those who hesitate on which side to give faith, to figure to themselves the state of it, amongst the merchantry of *Surat*, after his *Plea* to his own *Hand* and
Seal

Seal, independent of all his other mismanagements, and the confest notoriety of the brokers bad circumstances, with which his own were (to use Mr. *Dra-per's* phrase, *App.* page 21.) *so blended*, and whom notwithstanding he did not blush to propose to his masters the fobsecurity of, for the remainder of his debt, when he was called upon for some satisfaction, about the means of discharging it; which was, if I may be forgiven the vulgarism, very gravely giving his employers a draught on the pump of *Aldgate*; as if it was not enough to injure considerably their property, but he must laugh at them too; yet not more in that, than where in a plaintive tone he laments his being "*cruelly treated by his Fellow-ser-vants*;" (page 35) though they never did, nor meant him any injury, but to stop him from bringing further damage and disgrace on the estate, credit, and concerns of their common masters.

How grossly he insulted the Compa-
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ny's authority in commission with me, has already been sufficiently noted ; but it is for my Masters service and reputation, that I beg leave to wind up with one obvious conclusive remark : Since then they were pleased to slur, or perhaps not to think worth their notice or attention, Mr. *Lowther's* breach of order, both in trampling on their authority, and in withdrawing himself from *their* Jurisdiction ; a procedure which hitherto stands without any *Vote* or *Censure* upon it ; I humbly presume that since Mr. *Lowther* evidently forces them into some *Cognizance* of his conduct, they will pronounce one way or other ; if but for *Example-sake*, upon the POINT now before them : especially too since he *provokes* them by pleading *THEIR Clearance* of him as a bankrupt, for an Act of Grace that thoroughly acquits, and rehabilitates him, for pretensions to their service.

The Directors are certainly the best judges how or in what manner to *vindicate*

cate their *authority*; and, in general, of what on this occasion they owe to themselves, the public, the proprietors, and lastly, to the servants thus cruelly persecuted, outraged, and defamed, for THEIR Service-sake: Even the wounds yet bleeding of the national justice and credit at *Surat* deserve some *Application*. As to the Supravisor's commission, they cannot but esteem it of the utmost importance to the service, nay indispensably essential to it, to take some *distinguish'd resolution*, that may put it henceforward on a footing of inviolable authority and respect; since it is the *only* way they have to come at justice, or redress, against a combination of servants, (either in a Presidency, or subordinate Factory,) against their interest or service. WHEREAS, at present, it plainly appears, that one of their servants thinks himself perfectly receivable, and not a whit disqualified by the circumstance of having *spurned, despised, protested* against, and at length *fled* from
under

under the jurisdiction of that authority I am now contending for the support of.

Having, as I presume, shewed perhaps more than is necessary in my vindication, as well as in that of my Masters honour and interest, which has been my main object in this, I shall only remark, that this answer is *final*, as to any further personal scurrilities and abuse Mr. *Lowther* may think fit to go into: He may, as often as he pleases, re-open his *Billingsgate* sluices: I hope I have fairly satisfied those whom alone it concerns me to satisfy; and I shall hardly fling away any more trouble to convince *such* understandings or hearts, as Mr. *Lowther* can possibly, after the foregoing explanations, retain an interest in.

JOHN BRADDYLL.

London. The 23^d

July, 1746.

18 NO 64

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